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OF THE
ROYAL ASIATIC SOCIETY.
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NEW OBSERVATIONS
ON
ENGLAND,
AND ITS INHABITANTS.

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BY M. GROSLEY, F.R.S.

MEMBER OF THE ROYAL ACADEMIES OF
INSCRIPTIONS AND BELLES LETTRES.

TRANSLATED FROM THE FRENCH
BY THOMAS NUGENT, LL.D.
AND FELLOW OF THE SOCIETY
OF ANTIQUARIES.

IN TWO VOLUMES.

VOLUME II.

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OBSERVATIONS

ON

ENGLAND.

ESTABLISHMENTS IN FAVOUR OF THE SCIENCES.

THE ROYAL SOCIETY.

AFTER having dwelt ſufficiently upon thoſe ſects *, which, in the opinion of Roman Catholics, are the ſhame and reproach of England, let us conſider the aſſociations, which reflect an honour upon that kingdom, in the eye of the natives as well as of all foreigners.

I have already mentioned thoſe aſſociations and ſubſcriptions, which are opened and filled up every day, to relieve indigence, and repair un-

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* I have already taken notice of that kind of ſuperſtition, with which all theſe ſects obſerve the Sunday. In 1757, when after the taking of Minorca, the parliament had reſolved to eſtabliſh a national militia, in order to provide an effectual remedy againſt the miſchiefs, to which the kingdom had been expoſed by the menaces of a deſcent on the part of the French, and by the maintaining of foreign troops in England, the Diſſenting miniſters joined in a petition to the government, that the militia intended to be raiſed, ſhould be reſtrained from performing their exerciſe on the Lord's-Day.

foreſeen misfortunes, &c. I ſhall now ſpeak of thoſe eſtabliſhments, which procure to ſciences, to literature, and to the uſeful or agreeable arts, all the aſſiſtance they are capable of deriving from the re-union of lights, ſcattered amongſt a people, who have a taſte for learning, and cultivate the ſciences thro' a principle of eſteem as well as of public zeal.

The Royal Society is the firſt of theſe eſtabliſhments, both with regard to antiquity and dignity: its foundation is dated in the year 1660, that is to ſay, the year of the reſtoration of Charles II. who made it one of the chief objects of his care.

The civil wars had been cauſed by a republican faction, in which only a very inconſiderable number of the nobility had embarked: the majority ſtill continued faithfully attached to the king's party; and, ſince the deſtruction of that party, they either lived in foreign countries, or upon their own eſtates: Cromwell did not reign upon principles capable of forming a numerous or brilliant court.

The nobility, thus condemned to occupations, which could not give the vigilant eye of the uſurper any umbrage, had no reſource but in philoſophy and the cultivation of the intellectual faculties: ſuch had been the reſource of the firſt men of Rome, in the combuſtion of the civil wars of Sylla, Cæſar, and Auguſtus. The Engliſh genius electrified, if I may be allowed the expreſſion, by the ſhock of revolutions, attached itſelf to ſcience and literature, and that with an ardour of application which ſoon produced maſter-pieces in all the different ſpecies of compoſition. The flouriſhing ſtate of ſcience and literature under Auguſtus, the Medici family, and Lewis XIV. was, as the preſident Henault obſerved, a conſequence of the troubles which had preceded thoſe brilliant periods: "In theſe times of fermentation, a frequent repetition of happy, or unproſperous events, enlarges the ideas, invigorates the mind, expands its wings, and inſpires it with that deſire of glory, which never fails to produce extraordinary atchievements." To confine ourſelves to a fact relative to England, perhaps we are indebted for Paradiſe Loſt to the ſoarings of Milton's genius in an employment, which a blind zeal for liberty made him accept from Cromwell.

Lord Bacon had already made his appearance; his works teem with uncommon ideas, concerning a multiplicity of objects equally new and intereſting: the Engliſh philoſophers, who roſe after him, entering a road which had been opened to them by their countryman, took each a different path, and ſeemed all to meet at their journey's end.

They, however, had been preceded by ſome foreigners in the diſcovery of new truths: Galileo, and thoſe of his ſchool, had already begun the work. After the death of Galileo, the great duke Ferdinand aſſembled at Florence a ſociety, which, in 1657, was diſſolved into the celebrated Academia del Cimento.

France had entered the ſame career. Gaſſendi, at his laſt journey to Paris, in 1653, was received in a particular ſociety formed by Bouillaud, Paſcal, Roberval, Deſargues, Carcavi, and other geometricians: this ſociety met regularly every Saturday, and Gaſſendi attended it till his death *.

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* This, as well as the following facts, relative to the Academy of Natural Philoſophers and the Royal Society, I took from Sorbiere, in his Life of Gaſſendi, in his relation of his voyage to England, printed at Paris in 1669, and in the Sorberiana. To this teſtimony we may add that of the learned Huetius, who was admitted a member of this academy, in which he read a diſſertation upon the Batavian Tear. *Huet. Comm. de Rebus ſuis.* By this account, the Society of the Natural Philoſophers of Paris ſeems to have been prior to the Royal Society of London.

M. Habert de Monmaur, under whoſe roof, and in whoſe arms, Gaſſendi had juſt expired, convened at his houſe that ſociety which went by the name of the Academy of Natural Philoſophers: it was compoſed one half of Gaſſendiſts, and the other half of the diſciples of Deſcartes, who died in 1650: Sorbiere was ſecretary to it*: their firſt meeting was at the houſe of M. Monmaur, on the 18th of December 1657. Learned foreigners had admittance there: Oldembourgh, who was afterwards ſecretary to the Royal Society of London, regularly attended thoſe conferences, as did likewiſe lord Ranelagh, nephew to the celebrated Mr. Boyle. Sorbiere publiſhed in 1659, a collection†, conſiſting partly of memorials and diſſertations concerning the nature of motion, rarefaction, and the limits of human knowledge, compoſed for the Academy of Natural Philoſophers, in which they were read. This academy had even promiſed to publiſh its Memoirs, as we find by Gilles Menage, in his Commentary upon Diogenes Laertius‡.

The eſtabliſhment of the Royal Society of London notwithſtanding, preceded that of the Royal Academy of Sciences at Paris. Charles II. condeſcended to be at the head of it, not ſo much as a patron, as on account of his extenſive knowledge of many of the objects, to which the labours of that ſociety are extended: a knowledge acquired in that ſchool, wherein all princes, truly great, have been formed, the ſchool of adverſity.

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* This writer, who was a great partiſan of Gaſſendi, ſaid of Deſcartes, who after having eclipſed Gaſſendi, was eclipſed in his turn by Newton: *Cecidit qui præivit, cadet qui ſequitur laus eſt omnium. Sorberiana.*

† Letters and Diſcourſes upon ſeveral curious Subjects.

‡ *Commentarii Phyſica quæ brevis prodibunt.* Ed. 1664.

The founders of this ſociety did all for honour, and nothing to advance the fortune of its members, who, to this day are obliged to defray all their expences, ordinary and extraordinary, out of their own pockets. They either pay a ſum at their reception (I once ſaw a gentleman pay forty guineas to the ſecretary) or contribute four guineas a year to the ſociety, and ſometiſhes more upon an extraordinary emergency.

By means of theſe contributions the ſociety furniſhed out a cabinet of natural hiſtory, after having erected an edifice to receive it. There is a librarian to take care of this cabinet, and to ſuperintend the library. The ſociety has a very extenſive, and conſequently a coſtly, correſpondence; in a word, it is at a great expence in making experiments, either to come at new diſcoveries, or to confirm thoſe which have already been made.

The collecting of curioſities for this cabinet is not the greateſt cauſe of expence to the ſociety. The chief rarities in it are for the moſt part preſents from all parts of England: an Engliſhman never thinks he can make a better uſe of a rare, extraordinary, and curious piece, which chance has procured him, or which he has bought at a very high price, than to give it to the public by depoſiting it in this cabinet.

The Royal Society unites thoſe objects which the Academy of Sciences at Paris, and that of Inſcriptions, have divided between them; that is to ſay, the deep ſciences, and the belles lettres. At its firſt inſtitution, it buſied itſelf entirely with agriculture. Sorbiere informs us, in the account of his voyage, "That the firſt time he attended the ſociety, a country gentleman ſpoke very pertinently upon the mildew of corn, and cited a thouſand curious obſervations upon the grain before it is ſown, upon the plant before it is reaped, and upon the ſtate of corn till it is converted into meal. He ſpoke, adds Sorbiere, of a certain grain of an extraordinary bulk which burſts out upon an ear of corn like an excreſcence, and is a kind of poiſon that may occaſion epidemic diſeaſes, though it has not yet been taken notice of."

Every man, whatever his ſtation in life, whether Engliſhman or foreigner, when he has made any obſervation which he thinks worthy the attention of the ſociety, is admitted to propoſe it *vivâ voce*, or by preſenting a memorial. I once ſaw a joiner, in a plain artificer's dreſs, lay before the ſociety a method which he had invented, to explain the cauſes of the ebbing and flowing of the tides. He ſpoke a long time, without knowing what he was about. He was, however, liſtened to with the utmoſt attention, thanked for his confidence in the knowledge of the ſociety, requeſted to digeſt his ideas in writing, or cauſe them to be digeſted for him, and was accompanied to the door by one of the members.

The place of theſe meetings is by no means magnificent: the table, at the bottom of the room, is taken up by the preſident, who ſits with his back to the fire, and by the ſecretaries. Upon this table lies a great mace of gilt plate, like that belonging to the houſe of commons, like that, is faſtened to the legs of the table, when the ſociety forms itſelf into a committee. The preſident is provided with a ſmall hammer, with which he ſtrikes the table, in order to command attention, when the occaſion requires it, but it is ſeldom neceſſary. The members ſeat themſelves near the table, or upon benches raiſed one above another; and keep ſtrict ſilence.

I have already ſpoken of the buſts and pictures * which are in the apartments of the ſociety. As I entered the room I ſaw, hanging upon the wainſcot, framed atteſtations of three or four members of the ſociety, in favour of thoſe who apply for admittance. Theſe atteſtations are of German members for the candidates of their nation, the ſame as of French members for theirs, &c. They continue thus expoſed to view near three months before election.

The ſociety exiſts chiefly in a council, conſiſting of twenty-one perſons, choſen from amongſt the members, who have the greateſt opportunity to indulge their taſte for its favourite ſtudies. The preſident, and the perpetual ſecretaries, make always part of this council, which is elected annually.

It was the more neceſſary to have recourſe to this method, as in 1765, the ſociety computed near four hundred national members, and in this number above forty peers of the realm, five of whom, belonging to the council, honoured the ſociety with a moſt aſſiduous and regular attendance.

The claſs of correſponding members abroad, in number about a hundred and fifty, includes all the moſt celebrated literati of Europe, or ſuch as aſpire after fame, by enrolling themſelves in that honourable ſociety. In this claſs, with the names of d'Alembert, Bernouilli, Buffon, Bonnet, Euler, Juſſieu, Linné, Maiſon, la Nauze, de Ulloa, van Swieten, Voltaire, &c. are to be ſeen thoſe of the kings of Poland, and Denmark, the margrave of Baden Dourlach, the duke of Modena, prince Ferdinand of Brunſwick, the dukes of Braganza, of Neia, of Galean, of Medina Sidonia, of

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* If the picture of Deſcartes was to be added to thoſe of the modern philoſophers, it might be copied from the original portrait, painted by Champagne, and preſerved in the cabinet of Mr. de Marolles, counſellor to the Court of Aids at Paris. It was a preſent of Mr. Clerſelier, to whom Deſcartes had given it.

Lobkowitz, Carvalho, of Nivernois, of the princes Czernichew, Jablonouſki, Razumouſki, Schualoff, and of miniſters whom many European ſovereigns honour with their confidence and intimacy.

The arms of the ſociety are, a tabula raſa in an argent field, and its motto, *nullius in verba.* At its origin it conſiſted only of two hundred, comprizing in that number the foreigners confounded in its firſt liſts, with the national members: amongſt thoſe foreigners were reckoned ſeven Frenchmen, Meſſ. Auzout, Beringhen, Bouillaud, Lefebvre, Marchand, Samuel Petit, and Sorbiere.

SOCIETY OF ANTIQUARIES.

The Society of Antiquaries, leſs numerous and leſs ancient than the Royal, holds its aſſemblies on the ſame day with the latter. The firſt opening at the hour that the ſecond breaks up. Gentlemen go from the Royal Society to that of Antiquaries; with the greater convenience, as the place where they aſſemble is in the ſame part of the town. The latter does not, or at leaſt hitherto has not, publiſhed any memoirs *. It buſies itſelf with the inveſtigation of monuments, whether ancient, or of the middle ages, which ſtill exiſt in England. Plans of the moſt ſtriking of theſe monuments are taken and engraved at the expence of the ſociety. Its chief attention is engaged with coins, and with the ruins of ancient abbeys, ſcattered up and down the three kingdoms.

Every antique monument, and every edifice of an odd and ſingular form, which chance brings to light, is ſubjected to its examination and judgment. The laudable ardour of the Engliſh to furniſh matter for theſe judgments, will preſerve from the melting-pot, a prodigious number of antique pieces of conſiderable value.

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* Since the author wrote the above, this Society has publiſhed the firſt volume of its papers, under the title of Archæologia, or Miſcellaneous Tracts relating to Antiquity. T.

One of theſe meetings, at which I aſſiſted, was entirely taken up with the examination of a gold ring, as conſiderable with regard to its ſize, as its weight, which a country-girl of Lincolnſhire, returning home, had found in the dirt ſticking to her pattens *.

This ring was adorned with a flouriſhing, in a very ordinary taſte; its collet was a medal of Probus, worked in the ſame manner with the ring, and the more evidently counterfeit, as on its reverſe, withinſide the collet, there was a figure with a great croſs in its hand.

At another meeting, the cup of Atabalipa, the laſt of the Yncas of Peru, was examined. It was part of the ſpoils taken by Sir Francis Drake, in one of his expeditions againſt the Spaniards: from Drake, or his heirs, it paſſed to a miniſter of queen Elizabeth, in whoſe family it has continued.

It had no foot, but was nearly of the form and appearance of the fine ancient cup preſerved in the treaſury of St. Dennis; of a very pale gold, without a mixture of any other metal, and which had all the flexibility of thin paſteboard. Its ornaments conſiſted of a face, as indifferently chaſed as rudely deſigned. This face filled half the circumference of the cup, the other half was adorned with a bird by the ſame hand, and deſigned in the ſame taſte.

The ſociety appeared determined to have this antique engraved, and added to its collection. It is a

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* They are of iron, and about half an inch high. They are made in ſome meaſure in the form of ſkaits, and drag upon the heel. All the women that walk the ſtreets of London, wear theſe pattens, which make an odd ſort of a rattling.

pity that theſe prints are not accompanied with a ſcale of the proportions of each piece, as well as with the name of the cabinet to which it belongs.

This ſociety firſt gave birth to the thought of cauſing plans to be taken upon the ſpot, and prints to be afterwards engraved with the utmoſt magnificence, of the ruins of Palmyra, Balbec, Athens, Spalatro, &c.

The members of this ſociety are likely to propagate the taſte, which the Engliſh travellers in Italy are apt to imbibe for the ſtudy of antiquity: a taſte, which their conſtant commerce to the ſea-ports of the Levant enables them to gratify; a taſte which prevailed ſome time in France, under Francis I. and under Lewis XIV. but which was only a mode, or a temporary fancy.

England at this day abounds in ancient monuments, but being ſcattered among the ſeats of the nobility and gentry[*], they loſe, at leaſt with reſpect to ſtrangers, a conſiderable ſhare of the merit, which they would derive from being united in the capital. That fondneſs for reſiding in London, which begins to gain upon the Engliſh nobility, will bring antiques into vogue, when the palaces, now erecting in that town, ſhall be ſet in a condition to receive them.

The few monuments of this ſort, which I have ſeen in London and its environs, appeared to me to be choſen with the utmoſt taſte: a liſt of them will not here be out of place.

1. In the earl of Cheſterfield's cabinet, a Demoſthenes dying, in a baſſo relievo of Parian marble, about two feet high, with the remains of an inſcription in Greek characters.

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[*] Several of theſe ſeats, that of Wilton in particular, abound as much in antiquities of this ſort as many Roman villas. Wilton belongs to the earl of Pembroke.

2. In that of Dr. Aſkew, in a baſſo relievo of the ſame materials, and of the largeſt proportion, the general Xantippus offering to the gods a ſort of a ſhoe or half boot, in return for the cure of a wound in his foot, which he had received in a battle. This baſſo relievo was taken by Dr. Aſkew out of the ruins of Athens.

3. At the ſeat of lord Tilney, two buſts; one of Adrian, the other of Septimus Severus, of the moſt extraordinary beauty.

4. At Mr. Wilton's, a ſtatuary, a Diſcobole, a Greek antique belonging to Mr. Locke, who gave 300 guineas for it. It wanted only ſome ſmall repair, which Mr. Wilton had juſt given it.

London is poſſeſſed of ſeveral cabinets of medals. That of Mr. Duane is, both for the number and completeneſs of the collection, ſo rich, that it may juſtly vie with the cabinet of a ſovereign. He poſſeſſes a fine ſeries of the coins of the kings of Perſia, with inſcriptions in characters ſuppoſed to be thoſe of the ſacred language, in which Zoroaſter wrote: the metal of theſe coins is a very brittle ſort of ſilver, which bears a ſtrong reſemblance to ſolder *.

Mr. Duane had three of the coſtlieſt medals of Athens, on one ſide of which was the head of Minerva, and on a ſquare reverſe the owl with an olive branch. He forced me, with the moſt obliging importunity, to accept of the fineſt of theſe three medals as a preſent. I cannot more properly terminate this article, than by relating a compliment of this ſort which France received from England. The count of Caylus, to whom it was made, relates it in the laſt volume of his Egyptian Antiquities in theſe terms:

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* Theſe medals are the ſame with thoſe which Hyde had publiſhed before, in his great work concerning the religion of the Perſians.

" On the 18th of June in the year 1764, Mr. Major, an Engliſh engraver, brought me five little Egyptian figures, and a baſſo relievo of marble. Curious to know from whom this preſent came, I queſtioned him accordingly; and as ſecrecy had been recommended to him, he did not explain himſelf, but ſuddenly diſappeared, no doubt through fear of being over-perſuaded by my importunity to make a diſcovery: this abrupt departure was the more eaſy for him to effectuate, as I was confined to my bed by illneſs. He had put into my hands a note, when he delivered the figures: in this I expected to find the information I deſired, but I was undeceived as ſoon as I had got it tranſlated. The import of the paper was, that an Engliſhman, a zealous friend to liberty, and who looked upon the whole world as his country, had a deſire to enrich my cabinet with ſome Egyptian antiques. The moſt kind and polite expreſſions inhanced the value of the preſent.

Penetrated with the moſt lively ſenſe of gratitude at a procedure ſo noble and almoſt unparalleled, I uſed all poſſible means to come at the knowledge of this generous man, but without ſucceſs: ſeeing my inquiries ineffectual, I was obliged to advertiſe in the public papers in London; there he read part of the thanks which I returned him, and became acquainted with my deſire to know where the baſſo relievo had been diſcovered, and how it had been brought over to Europe. I ſoon obtained my requeſt. The ſame Engliſhman, the ſame friend of liberty, the ſame citizen of the world (for this is the name, which he continued to aſſume in the ſecond letter which he did me the honour of writing to me) has ſent me word, that the baſſo-relievo which he ſo generouſly made me a preſent of, was brought from Grand Cairo, about fifteen years ago, by the maſter of an Engliſh ſhip; that it was conſigned to a merchant of London who ſold it, and that afterwards it had fallen into the hands of the donor."

This civility was the more agreeable, and the leſs ſuſpected of flattery, as the count of Caylus died, without ever knowing from what hand it came. Having ſet an enquiry on foot in London, I diſcovered that this valuable preſent came from Thomas Holles, eſq. member of the Royal and Antiquarian Societies.

SOCIETY OF ARTS.

The moſt numerous ſociety, not in England only but in all Europe, is that formed in 1753, by Mr. William Shipley, of Northampton. The object of this ſociety is the encouragement * of arts, manufactures, and commerce. It at preſent conſiſts of about 3000 members, amongſt whom are a great many peers of Great Britain. Each of theſe members contributes two guineas a year: many, however, do not confine themſelves to this ſum, which they are proud to exceed in proportion to their rank or wealth.

The conſiderable ſums produced by this contribution, are employed upon objects which the attention of the ſociety extends to, and upon the different articles into which thoſe objects are ſubdivided: the ſociety, relative to theſe objects, is divided into ſeveral committees, formed of aſſociates moſt verſed in each ſubject, either by taſte or condition of life: they have their meetings upon fixed days and hours, in a large houſe occupied by the ſociety in the Strand.

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* This ſociety is not erected into an academy, a title reſerved by the Engliſh for learned aſſemblies. An academy of agriculture, compoſed of perſons who never handled the mattock, nor followed the plough, would be, in their eye, the ſame thing, as an academy of ſurgery, formed of perſons who never handled the probe or the lancet. In England, the miniſtry, and the lovers of art, think it ſufficient to encourage this ſociety.

The fineſt room in this houſe, forming a ſalon, with ſky lights, is conſecrated to the arts: a gallery adjoining to it, contains all the new invented machines, for abridging labour in the different trades. Whether perfect or imperfect in their kind, they are amply paid for by the ſociety, whoſe chief aim is to direct thoſe who have a genius for mechanics, to their proper objects.

It grants prizes to all thoſe, who make it their ſtudy to invent, extend, or perfect any new method of cultivation. That of the herb madder made uſe of by dyers, gives it conſiderable employment. I aſſiſted at one of theſe committees, at the reading of ſeveral certificates, in favour of perſons from all parts of England, who had concerned themſelves in the culture of this branch. Upon the delivery of theſe certificates by the miniſter and juſtice of peace, belonging to the pariſhes where the perſons lived, a prize was aſſigned to each memorial, proportioned to the extent of the land cultivated, and the madder gathered.

At another meeting I aſſiſted at the reading of a long memorial ſent to the ſociety by a farmer, who had ſown twelve acres of fallow ground with common carrots. A conſiderable quantity of great and ſmall cattle had lived during a twelvemonth in that field, which they quitted thoroughly fattened, leaving the land much better dunged for the year following, than it could poſſibly be in the uſual way. The memorial which, as I was told, was tedious and ill penned; contained a long detail of the procedure of the huſbandman, by which he gained the prize.

This committee, the preſident of which was Dr. Parſons, conſiſted of ſix perſons, amongſt whom a luſty hatter, member of the ſociety and the committee, ſignalized himſelf by long and vehement ſpeeches, the aim of which was to conteſt facts, and require to have them proved. Notwithſtanding his clamour the whole affair was mildly accommodated.

This committee is the centre of a conſtant correſpondence, by favour of which a variety of perſons of all ranks, even men of the firſt quality, who dedicate themſelves to the ſtudy of agriculture, mutually communicate to each other their methods of cultivation, their projects of improvement, their repeated endeavours, with their good or ill ſucceſs.

Theſe perſons are aſtoniſhed at thoſe ſpeculations upon agriculture, which idle reaſoners indulge in other countries: ſpeculations which being uſeful only to particular people, who have brought them into vogue, anſwer no other purpoſe but to fill periodical writings. If, ſay they, theſe people really deſire to ſerve the cauſe of agriculture, why do they not, in places where the courvée * robs it of ſo many hands, whoſe time is infinitely precious, make united efforts to deliver it from that yoke, either by convincing the government of the inconveniencies attending it, or by applying ſome remedy to the evil, by way of ſubſcription, if it be thought neceſſary?

In a converſation upon this ſubject, an Engliſh gentleman, who was very fond of huſbandry, told me, that happening to travel in the autumn of the year 1767, from Germany to Paris, through Burgundy and Champagne, he ſtopt in the evening at a village upon the road to Langres, named Suzainne-court. As he did not chuſe to ſup, and ſaw that the principal inns in the village were filled with coaches and waggons, he alighted at a kind of a hovel, where he found a bed for himſelf and a ſtable for his horſe, and

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* A day's work due from the vaſſal to his lord, to be done in perſon, or by his cattle, plough, or team. T.

there fixed his quarters for that night. Whilſt he waited till bed-time, and was free from the noiſe unavoidable in great inns, which he had prudently ſhunned, he amuſed himſelf with converſing with the miſtreſs of the houſe, a widow-woman, when ſuddenly entered the ſyndic of the village, at the head of twenty peaſants, for whom he required *gite* * in the king's name.

Theſe peaſants made part of a body of ſixty or eighty, who were come from different quarters, to begin next day a grand courvée upon the road of Suzainne-court.

The Engliſh gentleman, whoſe views were diſconcerted by the appearance of this crowd, made a particular inquiry into the cauſe of their meeting. They had been ſummoned eight or ten leagues off, with their carts and their oxen; but it was found impoſſible to bring their teams ſo far, on account of a moſt rugged road thro' mountains and craggy places, which neither their carriages nor their oxen were able to get over.

The peaſants, drawn up in a row round the kitchen-table ſeemed to be very penſive, and to revolve in their minds the fine which they owed their king, and which they were obliged the next day to make good in the preſence of the inſpector, or go to priſon. This fine being proportioned to the number of oxen that each was to bring with him, it was neceſſary to take an account, which ſhould diſtinguiſh the quota for each individual, and give the ſum total to be paid to the inſpector. Upon this occaſion, they had recourſe to the aſſiſtance of the Engliſh gentleman, who quickly anſwered their queſtion, and calculated the ſum, which amounted to about fifty livres; this they drew, with a very ſorrowful countenance, out of their pockets, in all ſorts of money, enveloped in paper, and, together with the account, it was locked up by the landlady.

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* Gite, is a power to lie at the houſe of a tenant, vaſſal, or ſubject, in paſſing along by it. T.

This affair being adjuſted, whilſt theſe poor wretches were buſied near the fire in warming ſome butter and wine, which were given them in charity, to foment their feet, all mangled and torn with walking over flints, the widow aſked them whether they were for ſupper? Some had bread, and made a bargain to have it boiled up with water, ſalt, and a little butter, at two ſols a head: others agreed for the bread and the ſeaſoning: many having neither bread nor money, withdrew to the barn, there to repair their exhauſted ſtrength by repoſe, that they might be able to go through the toil of the next day.

The Engliſh gentleman then aſked the widow, whether ſhe could get a little ſauce to make a ſoup expeditiouſly by mixing it with butter and greens. She ſaid ſhe had the gravy of ſome beef à la mode, which had been the chief proviſion of her houſe during four days. The gentleman agreed for it: a large pot having been filled up to the brim, and again put upon the fire, he caus'd as much bread to be given to the company as they choſe; ſhe cut it into ſlices, and put them into four great earthen diſhes, which were no ſooner repleniſhed with broth, than it was ſwallowed up with all the ſilence of a Carthuſian refectory. He then cauſed three muſty cheeſes to be ſerved up, with bread ſtill at the diſcretion of the company. The whole entertainment coſt him five livres eight ſols, and procured him a thouſand bleſſings, with the moſt fervent prayers, which thoſe good people put up to heaven for him, returning him thanks in a body.

The gentleman accompanied his relation of this affair with many obſervations upon the fine, upon its legality, upon the character of thoſe who ordered it with one hand, and at the ſame time received it with the other, upon the uſe it was put to, upon the increaſe of labour ariſing from it, &c. He added, that happening ſince to be at a fine country ſeat, which belonged to a man who had made a fortune by paving the high road, he had ſcarce come to the knowledge of that circumſtance, when he fled with all haſte fearing leſt the houſe ſhould tumble down, and cruſh him together with the owner.

What would this gentleman have ſaid, of a new ſort of oppreſſion, which has been deviſed in this way? The king cauſes a ſtone bridge to be built acroſs a road, at his own expence; and the ſtone for this uſe muſt be taken out of a quarry about twenty leagues from the ſpot. The peaſants of the ſeveral villages around, within the diſtance of ten miles, receive orders to go and fetch the ſtone, at the price of three livres a cubic foot: but each foot dug up in the quarry, coſts five livres to the carrier, conſidering what he ſpends, excluſive of the damage done to his waggon and horſes. This ſtone is notwithſtanding amply paid for by the king, either to the undertaker, or to a third perſon, in whoſe name the latter engages to bring it to the place.

Let us now return to the Society of Arts: one of its rooms contains eſſays in drawing, painting, and ſculpture, each of them marked with the author's name, and the value of the prize that was adjudged to him. Tho' they do not often raiſe the reputation of their authors, they reflect the higheſt honour upon the generoſity and magnificence of the ſociety. Amongſt the ſeveral performances of this ſort, I ſhall name only the firſt hiſtorical picture, which in large figures repreſents the Druids employed in gathering the miſſeltoe from oaks. I never in my life ſaw a picture ſo weakly executed in every reſpect, and which gave ſo little hopes of its author. By generouſly rewarding ſuch attempts, England will have an opportunity of knowing whether ſhe may entertain hopes of having any artiſts of Britiſh growth. If time produces no conſiderable improvements in this reſpect, ſhe will conſole herſelf by ſaying with the Romans:

Excudent alii ſpirantia mollius æra, &c.

An object no leſs noble but more intereſting to the nation, is that which the parliament has propoſed to itſelf by offering a reward for the diſcovery of the longitude. This reward of 30000 l. was to be adjudged by a committee compoſed half of the moſt eminent men in the kingdom for learning, and half of thoſe peers of Great Britain *qui colunt Muſas ſuperiores.*

A German (Mr. Meyer, profeſſor in the univerſity of Gottingen) and a Frenchman, Mr. Clairaut, having with that view jointly ſtudied the theory of the moon, the palm was, in 1769, adjudged to Mr. Meyer, who died before judgment could be pronounced in his favour. When I was in London, his widow had already received 12000l. in part of 30000l. I had been informed at Paris, that national * antipathy had had ſome influence in the paſſing of this judgment. To all the queſtions which I propoſed upon this delicate ſubject, both to the literati, and to

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* I found no ſigns of this antipathy, either in the behaviour, or the converſation of the learned Engliſh. Allow them an undiſputed ſuperiority in the mathematical ſciences, and they are ready to compound for every thing elſe.

'ſome of the noblemen of the committee, the anſwer conſtantly made me was, that Mr. Clairaut had not ſent his papers to London, till after the time fixed for the reception of the memorials, and that this fatal delay had deprived him of the competition. An Engliſhman, who was very much a friend to the French, told me at the ſame time, that as Mr. Meyer's performance was more complete and exact in ſome capital articles than that of Mr. Clairaut, it fulfilled the ſeveral conditions required; and finally, that when both ſhould be laid before the public, all the learned in Europe would confirm the judgment of the Engliſh committee.

I have already made mention of the Britiſh Muſeum, of the treaſures which it contains, and of the eagerneſs of the Engliſh to raiſe it to the utmoſt perfection *. Its claſſes of natural hiſtory made by the celebrated Sir Hans Sloane are complete: there is no where elſe a collection of butterflies, which unites all that the old and new world can produce of this ſort: metals, minerals, and fine ſtones have been brought together with the ſame exactneſs. The claſs of ſtones contains two very extraordinary pieces, taken from the famous Giant's Cauſeway, in the county of Antrim, in Ireland. They are ſhaped like all the other ſtones of that Cauſeway, in a regular pentagon, and look as if they had been caſt in a mold. I carried a piece of this ſtone to Mr. Deſmareſt, whom a long application to the ſtudy of ancient and modern volcanos has enabled to decide, whether theſe extraordinary ſtones are the effect of art, or of ſome burning mountains.

Printed books are the moſt inconſiderable part of this immenſe collection; but, however extenſive the building may be, it could not without prejudice

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* See Patriotiſm, and the Society of Antiquaries.

to the other parts, contain a library worthy of ſo great and magnificent a metropolis. The Banquetting-houſe would be a very proper place for ſuch a library, and ſome addition might be made to it, in proportion as the collection was augmented. Oxford might, without impoveriſhing itſelf contribute greatly to this increaſe. There are twenty colleges in that city; each of which has a library, many of them complete, or nearly ſo in ſeveral faculties. A collection from theſe libraries, added to the Muſeum's preſent ſtock, would ſoon form, at a very ſmall expence, a library complete in every branch of ſcience.

The collection of medals is very far from being complete; but it will ſhortly be ſo, conſidering with what zeal the Engliſh endeavour to promote the intereſt of learning, which they never ſeparate from the good of the public.

Amongſt the modern medals, the Engliſh are eager to ſee one of Francis II. king of France, which diſcovers a ſtriking reſemblance between that king, and the preſent queen of England.

I have, in my poſſeſſion, this medal, ſtruck at the coronation of Francis II. which it fixes upon the 17th of September, 1559. Notwithſtanding the authenticity of this monument, nothing can be more uncertain in our hiſtories than that very epocha. The preſident Henault has followed the contemporary journal of Brulard, in adopting the epocha fixed by that medal. Mezeray, and other authors, place it on the 21ſt; Thuanus, Tillet, and father Daniel, have preferred the 18th; and in ſpite of the medal, the latter hit upon the truth, ſince they agree with the chronology of the church of Rheims: this fixes upon Monday the 18th of September 1559, the coronation of Francis II. by the cardinal of Lorrain, who had crowned Henry II. on the 26th of July,

1547.

1547, and who afterwards performed the ſame ceremony on Charles IXth, on the 15th of May, 1561, which happened to be the Aſcenſion.

Coins of the ſame century give riſe to ſtill greater uncertainty concerning a more important event. The old cardinal of Bourbon, who was proclaimed king by the league in 1589, by the name of Charles X. died on the 9th of May 1590, at Frontenac, where Henry III. had cauſed him to be confined in 1588. And yet the towns in the intereſt of the league continued to coin money with his head and his titles till the year 1594. I have by me ſome of this coin ſtruck in 1591, 1592, 1593, 1594: he reigned over theſe towns after his deceaſe, with the ſame power and authority as in his life time.

I have already ſpoken of the Cotton library, now placed in the Muſeum: this with the Harleian library contains an immenſe quantity of charters, documents, original titles and tracts, furniſhing materials for a hiſtory of the four laſt centuries. Theſe charters joined to thoſe enumerated in the Formulare Anglicanum, publiſhed by Madox in 1702, contain all the lights that can be deſired with regard to the hiſtory of England, and even with reſpect to ſeveral points either important or curious in the hiſtory of France. The catalogue of theſe pieces fills ſeveral volumes in folio: theſe, with the other records in the Tower of London, enabled Mr. Rymer to finiſh his voluminous compilation of the *Fœdera*; and during my reſidence at London they furniſhed materials to that of M. de Brequigny, of the Royal Academy of Belles Lettres at Paris. The end aimed at in this work was an examen of all the pieces, and a tranſcription of thoſe, which being relative to France, are not to be found in the collections publiſhed by Camden, Rymer, Hearne, Leland, Salmon, &c.

The original of Magna Charta, that is to ſay, the palladium of the Engliſh liberty, is depoſited in the Muſeum. There are even two copies of it in ſimilar characters, but the ſecond appeared to me ſuſpicious, from the blackneſs and freſhneſs of the ink, and its being without either flaw or crack; as well as from this circumſtance, that the bottom of the genuine copy is very much worn by the ſeals pendant to it, while the other has only two ſlits, but no ſeal.

Among a number of pieces equally curious and valuable in enamel, and in miniature, the Muſeum is poſſeſſed of a collection of original drawings by the learned Maria-Sibylla Merian, who after having exhauſted all the ſubjects that nature offered to her pencil in Europe, went over to Surinam, and there painted the butterflies, and other curioſities of the continent of America.

The Muſeum, independent of what it contains, is of itſelf capable of exciting the curioſity of ſtrangers: it is of all the houſes in London the largeſt, the completeſt, and the moſt magnificent. The ſtair-caſe, ſome of the apartments, and the cielings were painted by the celebrated la Foſſe, when his genius was in its full vigour; as he was paid with a royal munificence, he treated his ſeveral ſubjects with a grandeur worthy of a ſovereign's palace. Two French painters, Rouſſeau and Monnoyer, both equally famous, one for drapery and perſpective, the other for flowers and landſcapes executed under la Foſſe the parts which he aſſigned them.

To magnificence is joined the beautiful proſpect from the apartments, which open towards the North to a fertile plain, agreeably diverſified, and terminated by a hill which is crowned by a beautiful village.

This palace was built by John duke of Montague, keeper of the wardrobe, and favourite of Charles II. He was twice ambaſſador at the court of Lewis XIV. and the declared patron of the Proteſtant refugees in England, upon which account he fell into diſgrace with king James; but king William honoured him with the higheſt favour, and aſſigned him one of the firſt places in his council, which he afterwards retained under queen Anne.

He dedicated a very large income towards erecting this palace, not ſo much for his own uſe, as to do honour to England and the metropolis; a motive as great and laudable, as that of Bruyere's citizen is mean and deſerving of cenſure, "who built a houſe ſo elegant, ſo coſtly, and ſo loaded with decorations, that it was uninhabitable; the maſter thinking it too fine to make it his dwelling-houſe, and not having reſolution enough to let it to a prince or a perſon in the miniſtry, retired to the garret, whilſt the grand apartments and the hall were left to foreign viſiters. People knocked inceſſantly at the grand door: all wanted to ſee the houſe, but none the owner."

In this manner, however, the duke of Montague acted: they ſhew a little apartment at the bottom of one of the wings, where he took up his habitation; there he paſſed the laſt years of his life, far from the view of thoſe whom curioſity brought to his houſe.

In virtue of an act of parliament paſſed in the late reign, the nation has acquired this palace from the duke's family, who ſold it for 10,000l. ſterling, that is to ſay for about one half of what it coſt; but the uſe to which it is aſſigned anſwers the intention of the builder.

That this might be completely anſwered, it were to be wiſhed that the public could enjoy the Muſeum more fully and more at its eaſe: for this purpoſe there ſhould be a keeper in each apartment, who ſhould not ſtir from thence during the hours in which the Muſeum is open. Dr. Maty and Dr. Morton, with ſeveral other learned perſons, ſhare this office between them, and diſcover the moſt obliging readineſs in gratifying the curioſity both of natives and ſtrangers; but the curſory view that viſiters are obliged to be ſatisfied with, through fear of encroaching upon their complaiſance, makes them overlook a number of objects which deſerve to be attentively conſidered.

The expences which this would render unavoidble, require only an inconſiderable addition to the funds aſſigned by the nation for the ſupport, the increaſe, and improvement of this magnificent eſtabliſhment, which is under the inſpection of truſtees, * choſen from amongſt the moſt eminent literati and the firſt-rate noblemen †. Amongſt the latter we find the names of lords Cavendiſh, Willoughby, Cadogan, Egmont, Hardwicke, Lyttleton, Morton, Northumberland, Camden, and others, to whom this choice does as much honour as to the nation.

The connexion eſtabliſhed by theſe aſſociations between the literati and the chief nobility, does not give riſe to that ſort of familiarity which prevails in France between men of learning and the great.

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* There is wanting to the magnificence of this eſtabliſhment, a principal or chief truſtee; who ſhould lodge at a convenient vicinity to the Muſeum, or in the Muſeum itſelf, and be paid by the ſtate; he ſhould alſo keep open houſe for foreigners of diſtinction, and do the honours of the Muſeum. This principal truſtee would be the ſame in London, as the head librarian is at the king's library at Paris.

† The places of truſtees are merely honorary, without either emolument, or any ſalary annexed. Thoſe who are inveſted with them, conſider them only as honours that engage them to increaſe the treaſure of the Muſeum at their own expence.

Arts and literature, ſay the Engliſh, loſe nothing by this behaviour; perhaps they are gainers: but they are not poſitive whether the nobility thereby gain any advantage. They juſtify this reſerve by the manner in which the preſident Jeannin behaved to the French literati during his ſuperintendancy. "Every year he invited to a grand dinner thoſe men of learning who were court-penſioners, exhorted them to perſevere in ſerving the king and the public, cauſed their penſions to be payed them exactly, and requeſted them not to viſit him: chuſing rather to ſtudy their works in his cloſet, than to ſee them at his levee."

From this reſerved behaviour of the grandees of England to men of learning, and from the nature of the eſtabliſhments in favour of the arts and ſciences, it follows that they are better and more generouſly treated in France than in England, where they ſeem to be neglected by the ſtate *, whilſt in France they are a particular object of its attention.

Notwithſtanding this, the taſte for erudition, which was eſtabliſhed in England by Sir Thomas More, &c. has ſtood its ground there longer than in any country in Europe †. An erudition as agreeable as exten-

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* The name of the king of England, at the head of all learned ſocieties, is almoſt in every reſpect *titulus ſine re*, an empty title.

† The celebrated Huetius wrote, at the beginning of this century, to a learned German: *Bonarum literarum ſtudia uſque adeo in his locis obſoleverunt, ut ne in Latinis quidem ſcriptionibus, nedum in Hebraicis Græciſve publicandis, ullas omnino impenſas facere velint librarii noſtri, nedum ne in vernaculis quidem quæ eruditionem ſapiunt.* We meet with this letter in the Collection of Diſſertations upon Religion and Philoſophy, printed at Paris. In another letter of the year 1675, addreſſed to Grævius, and inſerted in that very volume, the ſame prelate ſpeaks in theſe terms of the labours of the commentators, who wrote in uſum Delphini, labours which he ſuperintended in concert with the duke of Montaubin: *In his nonnulla, atque utinam non multa deprehendes, quæ limato tuo judicio & exquiſitæ eruditioni parum ſatisfaciant; ſed tam cara eſt doctorum annona, ut in eorum delectu nobis eſſe faſtidioſis haud quaquam licuerit.* He returns again to this ſubject, in a letter to Voſſius, dated in the year 1677. *In hac non dico eruditorum, ſed ſtudi-*

ſive makes the chief merit of the Spectator, which Mr. Addiſon wrote in 1712. This taſte is not extinct: Dr. Kennicott has for many years paſt been employed in collating all the Hebrew manuſcripts of the Old Teſtament now extant in Europe, and in collecting the various readings which he has found in collating them with the utmoſt accuracy.

Theſe labours, and the reſolution which they require, ſpring from the perſeverance of the Engliſh in the purſuit of whatever objects they attach themſelves to, which makes a part of the character of the nation in general. In conſequence of this perſeverance, of which I have already ſpoken upon, forming a judgment of their own authors, and thoſe of other countries, they eſteem them in proportion to the application with which they have fixed themſelves to the objects of their ſtudy, to the diſcoveries which this application has given riſe to, and in fine to the ſacrifices which they have made to it of their fortune, of the favour of the great, and even of the eſteem of their contemporaries.

For ſuch conſiderations as theſe they have the higheſt eſteem for our Thuanus, Pithou, Paſquier, Mezerai, who, as it were, undertaking to prop the edifice of the French hiſtory, have cleared it from thoſe incumbrances, under which it was almoſt entirely buried, and have replaced it upon its firſt foundations, which ignorance or perſonal intereſt had quitted, to enlarge the ſtructure in all appearance; but in fact that it might laſt no longer than ſuited their convenience *.

ſtudioſorum hominum penuriâ & tantâ bonarum artium vaſtitate, præclarè nobiſcum actum eſt, cum aliquos ſors obtulit deſtinato operi utcunque idoneos. About the ſame period Thomas Creech was employed in compoſing his admirable commentary on Lucretius.

* If the enemies of the Jeſuits could have conſidered them in any other light than with regard to their connexions with the

Upon this account they have a high opinion of the reſearches to which the abbé le Beuf dedicated his life. To their eſteem for theſe inveſtigations, which are confined to our libraries, I am indebted for what knowledge I have of them: the labour of ſtudying them is abundantly compenſated by the pleaſure of learning a multitude of facts, connected with a thouſand objects either curious or intereſting. None of the works of this laborious writer is more prolific in facts of this ſort, though none more bare in appearance, than his Hiſtory of the Dioceſe of Paris. There we find a full account of the prodigious increaſe of population in the neighbourhood of that capital †, in the two laſt centuries: a progreſs which is in the ratio of five to one. The very liſts of the ancient owners of every village or hamlet, are capable of ſuggeſting reflexions which

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formulary, and the conſtitution Unigenitus, we ſhould have had a continued hiſtory of all the perſecutions, covert or open, which intereſt, and the particular views of the Society, have ſtirred up againſt theſe writers and their works with irreconcilable animoſity. In this hiſtory we ſhould ſee the Jeſuit Machaut, an inveterate enemy to Thuanus's hiſtory; whilſt his brethren intrigued with ſucceſs, to deprive the author of the place of firſt preſident, to which he was called by the whole kingdom. We ſhould ſee the Jeſuit Garaſſe, inflamed with hatred againſt Paſquier during his life, and againſt his body after his deceaſe. We ſhould ſee the Jeſuit Daniel, in the year 1700, paving the way to his Hiſtory of France, by critical obſervations, the aim of which was to bring an odium upon Mezerai, and to render him ſuſpected and contemptible to princes, miniſters, to the great, to courtiers, to the upper clergy, to monks, financiers, and even to women themſelves. In fine, we ſhould ſee the Jeſuits no leſs earneſt in ſupplying the place of Thuanus and Mezerai, by their father Daniel, by M. de Fleury's Eccleſiaſtical Hiſtory, by the Hiſtory of the Gallican Church; and the antient by the modern Sully, &c. &c. than they have been to ſubſtitute the Bible of Berruyer to that of Sacy; the *year of the Chriſtian* to the *Chriſtian year*; to the Catechiſm of Montpellier, the Catechiſm to which they had condemned father Bougeant, as a penance for his little ingenious treatiſe concerning the ſouls of beaſts, &c. &c.

† To the north and the weſt.

muſt conſole an honourable mediocrity. It appears from theſe liſts, how often intrigues, credit, and the management of the public money, have in every age produced great fortunes; how ſoon thoſe fortunes have been ſquandered; and how ſhort a time the race of thoſe upſtarts, *breves domini*, to uſe an expreſſion of Horace's, has laſted.

Poſſeſſions of another ſort raiſe a different kind of aſtoniſhment, either by their long continuance in the ſame hands, or on account of the means which contributed to their acquiſition. How many colleges, how many hoſpitals and infirmaries, have, in prejudice of the public and in contempt of the intention of the founders, been converted into abbeys or priories!

A criticiſm equally judicious and bold, prevails throughout this Hiſtory in the moſt humble and modeſt ſtile. A few particular diſcuſſions relative to remarkable facts or cuſtoms, are as intereſting with regard to the lights which they convey, as amuſing on account of the ingenious manner in which they are penned. The Hiſtory of Lendit *, for example, with equal ingenuity lays open the low ſort of knavery, of which every fair is the theatre; and the frauds of a higher order, which belonged peculiarly to that fair †.

The abbé le Beuf, and our celebrated writers whom I have cited above, had no other object in view than truth, the love of which excited and ſupported their labours.

Such labours, and ſometimes even the ſole deſire of purſuing them, are rewarded in France by gratifications and penſions. They are not equally encouraged in England: but the place of this encouragement is ſupplied by equivalents, the more agreeable as conferring both honour and emoluments.

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* Tom. iii. at the ſequel of the Hiſtory of St. Dennis, p. 246.
† See likewiſe Tom. i. p. 200. Tom. iii. p. 403.

A conſiderable number of biſhops and beneficed clergymen have owed their biſhopricks, and the high ranks which they held amongſt the clergy, to works upon ſubjects entirely prophane, by which they have acquired reputation. Prior, and Addiſon, &c. roſe by the ſame means to high employments. Newton by his Optics, his Fluxions, and his Mathematical Principles of † Natural Philoſophy, acquired ſuch a degree of reputation that he was made maſter of the mint, the ſalary of which place is equivalent to the penſions ſettled upon men of letters in France. In our days Mr. Hume, who is equally celebrated for the profoundneſs of his philoſophical and political ſpeculations, and for the Hiſtory of England, was, in the moſt critical juncture of affairs, entruſted with the ſecretaryſhip of the Engliſh embaſſy to France. In fine all public preferments, even that of lord chancellor, are in England, as they long were in France, the reward of merit; a merit that derives its chief luſtre from the love and cultivation of learning, which opened the road of preferment to Bacon and Clarenden; a merit in fine not entirely uſeleſs and unavailing till the days of Cromwell.

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† Theſe Principles are the ground-work of his ſyſtem of attraction, which had been thought of before by Anthony Deuſingius, a celebrated profeſſor of Groningen, who died in 1666. In 1661, Deuſingius had publiſhed a treatiſe upon this ſubject, of which it will be ſufficient juſt to mention the title: Diſquiſitio Phyſico-mathematicæ gemina de *Vacuo*, itemque de *Attractione*: quibus probatur nullum dari vel poſſe dari *vacuum*, oſtenditurque non *pulſione duntaxat*, *ſed et attractione* in rerum naturâ fieri motum. Amſtelodami, 1661, in 12mo. Newton being admitted,

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Theſe public preferments are to the Engliſh literati, what the trophies of Marius were in the eye of Cæſar. The deſire of making themſelves known, of gaining reputation, of making a fortune, excites abilities, and diſplays them in a true light: with the help of artifice and cunning it ſometimes ſupplies their place: with the ambitious and intriguing Engliſh, literary labours are only the ſcaffolding by which they raiſe their fortune. They conſider men whoſe minds are abſorbed in ſtudy, and who love learning upon its own account *, in the ſame light as the people of Epheſus viewed the gloomy philoſophers, playing at marbles and huckle-bones with children in the porch of the Temple of Fortune †.

The condition of men of learning in France, circumſcribed within a narrow circle of penſions and gratifications, is diſpenſed from making thoſe efforts and condeſcending to thoſe compliances which lead to preferment. It neither promiſes nor gives any thing more than a decent competency, *otium cum dignitate*, that is to ſay, the happineſs aimed at by men in the higheſt ſtations, if we may believe their profeſſions. A man of learning expoſes himſelf to ridicule, if he attempts to enlarge his ſphere; hence the great may find amongſt the literati, friends the leſs troubleſome, as they have no pretenſions or claims, being content with their preſent ſtation.

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the age of nineteen, a member of Trinity-College in the univerſity of Cambridge, there began the ſtudy of geometry, and made ſuch a progreſs, that in 1669, he was able to ſucceed his maſter, Dr. Barrow, as Mathematical Profeſſor, in the ſame univerſity. His Mathematical Principles, publiſhed in 1687, were not held in due eſteem till the beginning of the next century.

* *Traducere leniter ævum.* Hor.

† Heraclitus.

From this difference between the ſtate of men of learning in France and England, there reſults an advantage to the latter which France has enjoyed in ſimilar circumſtances. The light derived from ſcience and literature, ſpreading by means of thoſe who have conſecrated themſelves to ſtudy, through all conditions and ranks, becomes the property of the whole nation. But ſcience and literature being confined in France to a ſmall number of perſons particularly devoted to ſtudy, have no immediate influence upon other conditions of life, in the midſt of which they form a diſtinct and ſeparate ſtate. The Greeks and Romans on the contrary had no farther eſteem for ſtudy, and the knowledge it procures, than in proportion to the ſervices which ſociety might expect from the application of men of learning *.

In England, thoſe who have made a fortune by the ſciences, which even in the judgment of the populace themſelves diſtinguiſh them amongſt their equals, after having cultivated them through inclination, continue attached to thoſe ſtudies both from inclination and principle of gratitude. In this reſpect France had no cauſe to envy England during the ſhort period of time in which learning paved the way to preferment in that kingdom: to it ſhe owed Budeus, Longueil, Hopital, Thuanus, Pibrac, Pithou, &c. men worthy of ancient Rome, as well on account of the qualities of the mind, as thoſe of the heart.

Let us not conceal it from the reader, that about the ſame period France ſaw ſeveral men of intrigue

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* Cicero explains the reaſon of this way of thinking. *Sapientia. σόφια. ſcientia, cognitio, contemplatio, manca quodam modo atque inchoata eſt, ſi nulla rerum actio conſequatur: ea autem actio in aliorum commodis tuendis maximè cernitur.* Cic. de Off.

riſe to the firſt honours, who were indebted to learning for a fortune which they did not otherwiſe deſerve. I have already ſpoken of cardinal Du Perron, the hero of theſe. He was a detracter of merit, and a bigot to the ſeveral prejudices which he found an intereſt in flattering; the judgments which he paſſed in his old age, upon ſubjects of the utmoſt importance to a French prelate, have the ſame character of falſhood with thoſe which he formed in his juvenile verſes upon the chief perſonages of his time. "In theſe poems the renowned queen Elizabeth is repreſented as an old monſter, conceived in inceſt and adultery, who, with teeth bent upon murder, pollutes herſelf with crimes, and vomits forth her rage and fury againſt the heavens—The frightful Elizabeth, an inexorable fury." To make up for this, he conſiders Catherine of Medici, as "the honour of the preſent time, and the greateſt object which the hiſtory of paſt ages has conſecrated to memory, as great, generous, laudable, and beautiful." Impartial poſterity has adopted judgments, which are in every reſpect the reverſe of thoſe of that fawning courtier.

To form an eſtimate of the effect produced by literature in enlightening a ſtate, let us caſt an eye upon China. This empire is a ſtanding proof of the power of its immediate influence upon government: it maintains that kingdom in an invariable vigour and florid health, which it has preſerved during ſo many centuries:

Terram campoſque feraces
Spiritus intus alit, totamque infuſa per artus
Mens agitat molem, ac magno ſe corpore miſcet.

The preſent conſtitution of England is ſaid to have been originally the work of Selden, Sandys, and other learned men, whoſe penetration enlightening the blind

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impetuoſity of the populace[*], has by degrees brought the nation to that pitch of liberty, ſplendor, and majeſty, of which it is at this day ſo proudly jealous. If in our Northern climates we might preſume to promiſe ourſelves any thing permanent, learning, and the light which it diffuſes, would do as much for England, as they have already done for China: Apollo would for ever fix that new Delos, which has ſo long been floating and more agitated in its territories and its ports than the ocean that ſurrounds it [†].

The ſtate of the ſciences in Great Britain affords ſufficient reaſon againſt the alarms that people have endeavoured to raiſe amongſt us, upon occaſion of the expulſion of the Jeſuits. All inſtruction centers in England [‡] in the two univerſities, which have neither monks nor communities [§]. The counties, the capital itſelf, have no regular college; in a word private education is not yet become generally in vogue.

The condition of men of letters, either ſcattered up and down amongſt the citizens, or enrolled in learned ſocieties, has not the leaſt reſemblance in the two nations. Theſe ſocieties eſtabliſhed in England on the principles of independency, acknowledge no laws but thoſe under which they have laid themſelves: in the eye of an Engliſhman, the academies which Paris ſo much boaſts, are with reſpect to men of learning, what coops are to birds, and ponds to fiſhes *. The Engliſh conſider our penſions and court gratifications of learned men in no other light but as the wages of dependency to thoſe who receive them, and as ſhackles to the liberty of ſpeaking and writing †. In proof of the truth of this aſſertion they mention on one hand the fate of the good abbé de St. Pierre, expelled the French academy for having ventured to ſuggeſt certain views contrary to thoſe which, during the regency, had determined the reſolutions of that aſſembly: on the other hand they quote the example of the celebrated author of the North Briton, who is a fellow of the Royal Society: whatever turn his affairs may take, he will ſtill retain that title, and have a ſeat there to the day of his death.

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[*] " Do not think, ſaid the great Boſſuet, that it was merely the quarrel concerning epiſcopacy, or a few trifling diſputes about the liturgy, that cauſed the general diſturbances. Thoſe diſputes were only weak beginnings, by which the minds of men made trial of their ſtrength. *Funeral Oration on the Queen of England.* Firſt Part.

[†] Boſſuet, above.

[‡] Excluſive of Scotland and Ireland.

[§] Monſ. le Beau, a ſupreme judge in matters of this ſort, looks upon the method of education followed in religious communities as little favourable to the progreſs of learning. " This method, ſays he, in the Elogium of the abbé du Reſnel, is more uſeful to the maſter than to the ſcholars who ſtart with him, and whom he ſeldom gets before in ſo ſhort a career. The principal object, therefore, which communities propoſe to themſelves, is to form the minds of their pupils, and give them a tincture of prophane learning.

The bickerings ſo frequent, ſo acrimonious, and ſo obſtinate between men of learning and genius, in the ſixteenth century, in France, ſoon gave way to the decency, which the academies made it a law to obſerve, to the politeneſs of behaviour which became general throughout the nation, and to the examples of

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* ——————— *Cruſtis*
Excipiunt homines quos in vivaria mittant.

† In the eſtabliſhment of academies, cardinal Richelieu, and the miniſters who ſucceeded him, had, as we are told by ſome French authors, this political view, to check and repreſs the tone of independence, which the ſpirit of faction and cabal had eſtabliſhed amongſt authors.

In vitium libertas excidit et vim
Dignam lege regi: lex eſt accepta, choruſque
Turpiter obmutuit.

moderation ſet by ſome of the heroes in ſcience and literature*.

The controverſy between the ancients and moderns is the laſt diſpute of any note, in which the laws of decency ſeem to have been neglected. England has followed the example of France; Bentley is the laſt Engliſh author who has ſignalized himſelf by illuſtrious enmities, ſupported by bitter invectives.

With regard to the language of men of learning in ſociety, the two nations are upon a level. In both, the poſitive, deciſive tone, or that of ſcornful ſuperciliouſneſs, is the diſtinguiſhing mark of underlings, who, after having in ſome inferior college tormented and plagued their young ſcholars, bring into company that pedantic air of ſelf-ſufficiency, which rendered them ridiculous even in the eye of their pupils.

If we conſider men of learning in the light of citizens: in France, ſequeſtered from ſociety, and, as it were, in exile, they paſs their lives in a manner to all appearance uſeleſs both to the ſtate and themſelves; whilſt in England they are ſcattered amongſt the clergy, in the army, and the law; and, to the advantage of their country, diſcharge all the functions which it requires of thoſe ſeveral profeſſions; they ſupport literature and ſcience upon a ground, which would be uſurped by ignorance were they to forſake it. Memorials upon ſubjects relative to the deepeſt ſciences; thoſe, for example, in which they are to determine the longitude by the theory of the moon, are examined, diſcuſſed, and judged by lords ſpiritual and temporal; by members of the houſe of commons, who are, at the ſame time, buſied in parliament in diſcuſſing the moſt important intereſts of the nation; by magiſtrates, after hearing cauſes; by counſellors, who have juſt made an end of pleading, or giving their opinion; and by phyſicians, whoſe time is employed in viſiting their patients. In fine, a clergyman of London is one of the perpetual ſecretaries of the Royal Society, over which preſides the earl of Morton, one of the ſixteen peers who repreſent Scotland in the houſe of lords *.

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* Such was M. de Fontenelle: perſecuted by Boileau and by a party, which, after having excluded him from the French academy, deſcended ſo low as to publiſh ballads againſt him, he perſiſted in obſerving that ſilence which ſuited his philoſophy and his character. I find in his works but two ſtrokes that ever eſcaped him againſt his perſecutors. In the Elogium of the marquis of Dangeau, he ſays: “A perſon who had acquired a reputation, but which was then in its beginning, wanted to get himſelf introduced at court by M. de Dangeau; the perſon I mean was M. Deſpreaux, who addreſſed to that gentleman his Second Satire upon Noble Birth. The hero was well choſen, both on account of his extraction and his reputation for a taſte in poetry, as likewiſe for his ſituation in life, and his inclination to favour merit. Men of the moſt ſatirical and miſanthropical diſpoſitions are ſufficiently maſters of their paſſions, to keep fair with their patrons.” In his elogium of M. de Valincourt: “his connexion with that celebrated ſatyriſt, M. Deſpreaux, made him adopt ſome of his opinions; as, for example, the judgment which he paſſed againſt the chief of our lyric poets; a judgment not to be ſupported upon Parnaſſus, and to be received only in a tribunal infinitely reſpectable, before which the ſatyriſt himſelf would hardly have been able to ſtand.”

All claſſes being thus filled up in England, which is neither burthened by eccleſiaſtics unconnected with the church by actual and neceſſary ſervice, nor by monks, nor beggars, it reſults from hence, that the 8,000,000 inhabitants, whom it may poſſibly contain, are equivalent to 12,000,000 under another government.

A country inhabited by an active people, always employed, is likely to have but few philoſophers, eſpecially amongſt the gentlemen of the long robe, whether judges or counſellors. Thus cardinal Sadolet expreſſes himſelf concerning the incompatibility of

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* The rev. Dr. Birch was ſecretary when our author wrote theſe Obſervations.

philoſophy with the magiſtracy and the bar, in a letter to young Ranucius Farneſe, who was preſſed by his grandfather, Paul III. to attach himſelf to the ſtudy of the law. I ſhall take the liberty to inſert in a note the paſſage from that prelate's letter; a prelate who was as much a friend to philoſophy in ſpeculation, as true to it in practice [*]; but he wrote and ſpoke in that manner in modern Rome.

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[*] *Si verum eſt quod ſæpè dictum eſt, talem quemque fieri hominem quales ſunt res & qualia ſunt ſtudia quibus ille ducitur, quid poteſt à juris ſcientiâ magnum præclarumque exiſtere, in quâ primum tenues ſunt res & minutæ, in quibus tractandis occupatus animus frangitur ipſe quoque & comminuitur, ita ut vix amplum quoddam ac magnificum concipere poſtea poſſit. Deinde id quod etiam magis animadvertendum eſt, civile jus totum ad eam unam rem precipuè intentum eſt, ut de pecuniariis controverſiis, quibus maximè tumultuatur atque agitatur hominum genus, judicia reddantur; quo in genere qui verſantur, vel judicando, vel cauſas agendo, cum vident tantum hominum pecuniæ vel quærendæ vel retinendæ ſtudium, ipſi quoque vehementiore aliquâ pecuniæ cupiditate ſæpenumerò tanguntur. Quod unum ad adipiſcendam animi virtutem maximè homini infeſtum atque adverſum eſt.—At philoſophia, relictis iis ſollicitudinibus atque curis quæ ad compendium atque quæſtum pertinent, atque illis prorſus pro nihilo habitis, totum ſuſcipit hominem formandum ſibi atque expoliendum, ut ex his extractum ſordibus, quoad fieri poſſit, ſimilem Deo conſtituat, nihil ſibi quod externum & fragile ſit avidè appetentem, conſulentem libentèr cæteris, omnia ſua bona in virtute poſita ducentem: quæ eſt una omnium difficillima humano generi ſcientia*, &c. "If the obſervation ſo often made, be true, that every man becomes ſuch as the objects and ſtudies to which he attaches himſelf, what can there be great and illuſtrious in the ſtudy of the law, the objects of which are, in the firſt place, things trivial and minute; and a mind buſied and intent upon the contemplation of them is ſo broken and enfeebled, that it is afterwards unable to conceive any thing noble and ſublime. It is likewiſe ſtill farther to be obſerved, that the whole ſcope of the civil law is almoſt entirely confined to the ſingle object of deciding cauſes relative to pecuniary matters, by which moſt debates and contentions amongſt men are occaſioned: now thoſe who are concerned in this way, either as judges or pleaders, when they ſee men ſo earneſt about amaſſing or hoarding up money, are often themſelves ſeized with an inordinate love of lucre. This quality alone is the higheſt obſtruction to the mind of men in acquiring virtuous diſpoſitions.—But philoſophy laying aſide thoſe cares and that ſollicitude, which are inſeparable from the deſire of hoarding, and utterly deſpiſing them, undertakes to form and poliſh the man, in order to raiſe him above ſuch ſordid views, and make him as like a God as poſſible, deſiring no

Were we to extend to literature and ſcience this incompatibility, which cardinal Sadolet thinks he can diſcover between buſineſs and philoſophy, it would reſult from thence as a laſt and neceſſary conſequence, *that ſtudious men are unfit for buſineſs*: a prejudice contrary to the Platonic maxim, according to which none but a people governed by philoſophers can be happy; a prejudice combated both by the example and the practice of England; a prejudice notwithſtanding conſtantly kept up, and faithfully tranſmitted, ſays Mr. Hume, by fools of all ages and all conditions *.

A paſſion for books being the neceſſary reſult of a taſte for ſcience, of which they are inſtruments; and men of learning being in England ſcattered thro' all profeſſions, bookſelling is there a very intereſting branch of trade, both foreign and domeſtic.

I have already ſpoken of the injury ſuffered by books, from the black humidity of the atmoſphere of London. There is a great call for them in that capital, and they are of conſequence very dear. Several bookſellers publiſh every year a long catalogue of the books which they have purchaſed within the preceding twelvemonth; and, according to the practice introduced by the quakers, they fix in this catalogue, the loweſt price of every book.

The duties paid for all French commodities at the cuſtom-houſe of London are exorbitant; yet the London bookſellers find their account in importing from Paris a conſiderable quantity of books, which, though their reputation is fallen in France, retain in

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external goods, none of a frail, tranſitory nature, but doing all in his power to ſerve others, conſidering all advantages as placed in virtue: which, of all ſciences, is the moſt difficult to the human ſpecies, &c. Sadol. *Epiſt. E l. Colon.* p. 711.

* Moral and political Eſſay upon Eloquence.

London the ſame degree of eſteem in which they were held originally: as for example, the Fathers publiſhed by the Benedictines, the great collections, the Greek editions printed either by the Stephens's, or by the ſociety formed at Paris about the middle of the laſt century. All the libraries which I have ſeen, and at which I have enquired concerning the prices of theſe books, ſurpriſed me by their being ſo exorbitant. I have ſeen a Philoſtratus, publiſhed by the ſociety of bookſellers at Paris, ſold for four guineas; a Plutarch, printed for the ſame ſociety, for ſix guineas; the Greek poets, by Henry Stephens, for four guineas; Anacreon, in 4to. by Henry Stephens, three guineas, &c. Theſe books go off the more expeditiouſly in commerce, as thoſe ſent over to the colonies are ſold, if I may be allowed the expreſſion, for their weight in gold, to perſons who are magnificent even in their whims.

Thus literature and books, after having been tranſported from Egypt to Greece, and from thence to Italy and France, are removing to England, and from thence to the New World, whither our poſterity may, perhaps, transfer the ſeat of empire, and leave Europe plunged in its former barbariſm. The new world will then be to England, what Magna Græcia was to Greece, properly ſo called, that is to ſay, the ſeat of ſcience, literature, and philoſophy: then France falling under the deſpotiſm of the new druids, will ſee only by their eyes, and hear only with their ears. We need not be affected with compaſſion for the fate of our poſterity in that period; not only folly and ſtupidity, but ignorance and barbariſm, procure men that unalterable ſelf-ſatisfaction, which, even in this life, make ſo many happy.

I have already obſerved that the preſs enjoys the moſt complete freedom in England: even individuals are allowed to have private preſſes in their own houſes. Mr. Walpole has one at his ſeat at Twickenham, where he prints his favourite authors, ancient and modern, for the uſe of himſelf and his friends. I have ſeen a Lucan, in 4to, from this preſs, which is, in every reſpect, a moſt elegant edition.

From the Muſeum, which has led me to this digreſſion, I ſhall proceed to other eſtabliſhments equally honourable to England. The hoſpital erected at Greenwich for the invalids of the royal marine, muſt firſt engage our attention. A ſpectator is puzzled which to admire moſt, the magnificence of the ſtructure, the beauty of the ſituation, or the great attention which has been given to every thing that can contribute to ſalubrity, elegance, or even pleaſure.

This hoſpital is ſituated on the declivity of a hill, where the palace ſtood in which queen Elizabeth was born, who choſe rather to reſide in that than in any of her other manſion-houſes; it has on one ſide the Thames, which, by its winding forms an elbow ſo as to ſeem to return to London, which is but two leagues diſtant: the firſt area is ſeparated from the river only by an iron baluſtrade. There veſſels of all ſizes, and from all parts of the globe, paſs and repaſs. As the tacking about, occaſioned by the elbow of the river, retards the progreſs of the veſſel, the ſailors avail themſelves of this circumſtance to bring news to the invalids, or to aſk them different queſtions; the converſation laſts as long as they are within hearing; and this converſation is animated by that effuſion of heart, ſo uſual amongſt old comrades, who have been a long time abſent from each other, or who think this interview may be their laſt.

The whole edifice conſiſts of two double wings, fronting the Thames, and ſeparated by an area of an oblong form, divided into landing-places, the great ſtone-ſteps of which are ſuited to the unevenneſs of the ground: the wings are cut by pavillions, which project upon the area: at each ſtaircaſe is to be ſeen the decoration of theſe pavilions, conſiſting of three orders of architecture, which produce a fine effect, by the proſpect they afford to ſuch as ſail down from London, as well as to thoſe who view this grand edifice from the principal landing place. The plan of this building requires, that it ſhould be terminated by a ſingle pavilion, with a great portico, ſupported by columns, and a dome, which, by a gentle aſcent, will command the other two pavillions. The ground ſet apart for this, is, in the mean time, occupied by a pleaſure-houſe, which, tho' of a conſiderable ſize, appears to be little better than a coop for poultry. The buildings neceſſary for lodging the ſeveral officers belonging to the houſe, are placed behind the two wings.

This hoſpital generally maintains about 1000 diſabled ſeamen. They are lodged in galleries, which run from right to left, and contain a double row of uniform chambers, with ſix beds in each. The beds are incloſed and placed three on each ſide. Each chamber being open at top, at the diſtance of three feet from the cieling, has a door and a window, in a line parallel to thoſe of the oppoſite chamber.

In conſequence of this diſpoſition of the rooms, of the circulation of the air which it occaſions, and of the neatneſs which may be compared to that of the cells of our nuns, the whole inſide of this hoſpital has quite a different appearance from that of the ſame kind of buildings in other countries.

All the other hoſpitals in England are in the ſame condition: the horrors of poverty do not aggravate thoſe of death; patients, on the contrary, are, generally ſpeaking, in a much more cleanly way, and better accommodated there than they could be in their own habitations. Theſe houſes have a variety of apartments for the reception of the different ſorts of patients, built in ſolitary pavillions, as well to prevent a communication, as to promote a circulation of air: this I took particular notice of at the hoſpital for ſailors at Portſmouth. Thoſe hoſpitals, whoſe apartments are under the ſame roof, have the conveniency of ventilators, to introduce freſh air.

The invalids of Greenwich put on two clean ſhirts a week; they likewiſe receive a trifle of pocket-money for their little occaſional wants. In the hall where they eat, each perſon has a cupboard, in which he locks up his napkin, knife, and fork, &c. and as much as he thinks proper to ſave out of his dinner, or ſupper. Their victuals are ſerved up upon great marble tables, but they are not very nice about their table-cloths. This hoſpital has a great ſtair-caſe of that ſort which the Engliſh call Geometrical, and with which they are fond of adorning their houſes. They are made of large Portland ſtones, which being joined together only by the ſlight contact of half an inch one over the other, preſent to the eye a ſtair-caſe hanging in the air.

Free liberty of religion reigns at Greenwich-hoſpital: the Diſſenters are allowed to go to London twice a week, to attend the ſervice of the Calviniſt religion, &c. * At the extremity of each gallery is a corner, open to all comers, with benches on each ſide, and a large deſk with a neat Engliſh Bible in folio. I found theſe corners filled with penſioners, ſome of

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* According to the preſent practice of the church of England, the grave, which throughout the globe, confounds all conditions, unites at Greenwich all religions in one common burying-ground.

whom were reading, and others waiting for their turn. Thoſe of the church of England, repair at the hour of ſervice to a large and beautiful chapel, which fills one of the pavilions.

The pavillion, oppoſite to that of the chapel, has a royal hall, the wainſcot and cieling of which, are adorned with paintings by Sir James Thornhill, who, under emblems in the taſte of thoſe of the apartments at Verſailles, has repreſented the triumphs of Great Britain.

The eſtabliſhment of this hoſpital muſt have contributed to theſe triumphs. The aſylum which it promiſes to all thoſe who ſerve aboard the royal navy, was one of the beſt encouragements to ſailors that could poſſibly be thought of. Engliſh policy went ſtill farther: the children of any man that dies aboard the fleet in the king's ſervice, become the children of the ſtate, which is charged with the care of their education, their ſupport, and their eſtabliſhment.

Such of thoſe boys as are moſt promiſing, are received in the marine ſchool, founded by king William, in Greenwich hoſpital. This ſchool conſiſts of fourteen ſcholars: amongſt the old mariners who look upon them as their own offspring, they learn navigation, and every other branch requiſite for the ſea-ſervice. After having paſt ſix years in theſe ſtudies, they go down to Portſmouth, where twice a week they learn the practical part of navigation at ſea. This ſchool produces the beſt mariners in England, that is to ſay, thoſe who are employed by the ſtate in preference to perſons of family: for the Engliſh judge of men according to the axiom, *Prius eſt eſſe quam eſſe tale**: is there, ſay they, any genealogiſt, who would not reſpect the pedigree of Drake, Forbiſher, Hawkins, &c.

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* The idea of exiſtence is prior to that of its modes or qualities. T.

Objects of emulation and inſtruction are ſcattered up and down amongſt the very ornaments of Greenwich-hoſpital. The principal gate has two great pillars; and the arms of Great Britain, which they were to bear according to cuſtom, have their places ſupplied by two ſtone globes, one celeſtial, the other terraqueous. Theſe globes are of the largeſt ſize: upon the terraqueous globe, a projecting line of gold repreſents admiral Anſon's famous voyage round the world. How delightful is it to thoſe invalids, who accompanied him in this expedition, when, with their eyes fixed upon this globe, they give their comrades an account of their adventures! Can any other leſſon be more likely to make an impreſſion upon the imagination of the young pupil? What inſcription, or ſcutcheon, could with greater dignity adorn a building intended for mariners, who have ended, or who are beginning their career? There I learned with aſtoniſhment, that they have no regiſter of Engliſh ſailors to ſerve aboard the navy; but that upon the firſt emergency, if the number of volunteers happens to be inſufficient, it is completed by preſſing: and all this without infringing national liberty, as they affirm.

Upon the ridge of the hill at Greenwich ſtands the obſervatory, ſo famous for the labours of the celebrated Halley, who there ſpent a part of his life,

Mediis in nubibus hærens.

This obſervatory being deſigned for the inſtruction of pupils in nautical aſtronomy, is a dependance upon the hoſpital of Greenwich: the expences of keeping the building in repair, of making new inſtruments, and the ſalaries of the profeſſors, are taken out of the funds of the hoſpital. It is unneceſſary to obſerve, that no obſervatory is better furniſhed, either with regard to number, or choice of inſtruments: it was for this place, and for his friend Halley, that Sir Iſaac Newton undertook to bring the teleſcope to perfection. The preſent aſtronomer-royal is Dr. Maſkelyne, from whom I met with a politeneſs and complaiſance, which men, ſo eminent for learning, do not ſhew to every ſtranger.

The obſervatory is as deſerving of admiration on account of its ſituation, as it is reſpectable for its uſe; it exhibits the fineſt, the moſt exquiſite, and the grandeſt landſcape in England. In a ſpace of five or ſix leagues on every ſide, the centre of which is occupied by London, it takes in the moſt agreeable part of the courſe of the Thames, ſurrounded by fields, which are covered with villages, palaces, and country-houſes; a proſpect comparable to that of Lombardy at the deſcent of the Alps, or the Apennines; or rather to that of the country about Rome, ſeen from the eminences of Tibur and Tuſculum, during the moſt flouriſhing times of the empire.

A compariſon between Chelſea-hoſpital and that of Greenwich, ſhews the difference which the Engliſh policy makes between the land and ſea-ſervice. The former, built at the diſtance of half a league from London, in the midſt of a fine garden, bounded by the Thames to the eaſt, conſiſts of a large pavillion, with two wings, which run out towards the Thames; the whole is conſtructed of brick, upon a plan of the ſame architect who erected St. Paul's, with great ſtone piliars in the front of the building. It is not capable of holding above five or ſix hundred invalids, who are kept with a cleanlineſs which appears altogether aſtoniſhing to ſtrangers in a houſe of this ſort. I happened to be once preſent

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ſent when the cloth was laid, and ſaw them ſup in public: the refectories of our richeſt Benedictine monks are hog-ſties in compariſon of that of this hoſpital.

The invalids are allowed two ſhirts a week, and every year new bed-cloaths. The great love of cleanlineſs, natural to the Engliſh, has made the place of matron one of the moſt important and honourable employs belonging to this hoſpital. This woman has a good apartment, a genteel ſalary, with very handſome perquiſites. The governor's houſe, and thoſe of the other officers belonging to the hoſpital, are contiguous to the main building.

Charles II. was the founder of this eſtabliſhment, which has ſince been increaſed and brought to perfection by James II, and by king William. In the midſt of the court is to be ſeen a pedeſtrian bronze ſtatue of the firſt of theſe princes, upon a marble pedeſtal, adorned with figures in baſſo relievo.

I have already ſpoken of the hoſpital at Portſmouth, built in the midſt of the two laſt wars, and compoſed of detached parts, all conſpiring in one general plan, the grandeur of which is not ſo much in the ornaments as in the building itſelf.

This hoſpital has beds for 3000 patients, that is to ſay, 3000 beds, in which patients are not obliged to lie two and two, except (which has not hitherto happened) their number exceeds that of beds. The cleanlineſs of the place is equal to that of Greenwich and Chelſea. The doctor, and the officers have ſeparate apartments of their own. The ſituation of this hoſpital is neither leſs advantageous, nor leſs agreeable to mariners, than that of the hoſpital at Greenwich. The patients can there ſee from their windows, and in a manner from their beds, the Iſle of Wight, Spithead, St. Helen's, all the veſſels that are toſſed about in the Bay, and all that enter or go out of Portſmouth.

This port is the chief receptacle of thoſe maritime forces, which preſent to our view all that ſacred and prophane antiquity admired in the haughty city of Tyre*: it is the ſeat of empire of the queen of the ſeas:

> *Hîc illius arma,*
> *Hîc currus fuit: hoc regnum dea gentibus eſſe,*
> *Si quà fata ſinant, jam tum tenditque fovetque.*

We paſſed a whole day with very genteel and agreeable company, at the head of whom was the commiſſioner of Portſmouth, in taking a view of the port and all its dependencies.

It is formed, like that of Boulogne, by the mouth of a little river, where the ſea has ſcooped out to itſelf a vaſt baſon, with which it communicates only by a very narrow mouth: little hills ſurround this port, and ſhelter it from the winds.

Its entrance is defended by a double bar, or ſand-bank, which does not ſuffer large veſſels to approach without paſſing cloſe to a rock covered by batteries, the fire of which defends the entrance and reaches to a conſiderable part of the bay. The grandeſt of theſe batteries is of fifty pieces, forty-eight pounders: it is the ſame which queen Elizabeth cauſed to be placed there, to repel the armada of Philip II. and which was fired with a ſucceſs univerſally known againſt that part of the enemy's fleet which came within its reach. The guns though made of iron ſeem juſt come out of the furnace: the matter is neither leſs compact nor leſs ſmooth than bronze; indeed the Engliſh pretend to be poſſeſſed of the ſecret of caſting iron in a manner ſuperior to all other nations in Europe.

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* Deſcribed by Ezekiel, ch. xxvii.

Till the reign of Charles II. this port had no other defence but an old fort, which is ſtill ſtanding, where that prince received the infanta of Portugal when ſhe landed in England. The promontory occupied by the town of Portſmouth has been ſince encompaſſed with regular fortifications, of which that old fort is the key.

To direct the courſe of veſſels ſailing through the mouth of this port between the two banks, this promontory has beacons which are taken away in war-time.

But Portſmouth is leſs remarkable for its port than its bay, which is capable of holding ſeveral navies. This bay is a great canal formed by the Iſle of Wight, the jutting out of which to the extent of ſeven leagues, whilſt it breaks the fury of the waves *, affords ſhelter againſt the violence of the ocean, againſt the winds, and againſt enemies, who are afraid of entangling themſelves in the canal, though ſhips may ſail in and out with the ſame wind, returning the way they came. We were ſhewn at St. Helen's point, the colours borne during the laſt war by a French privateer, which appeared in the bay itſelf and even had the boldneſs to take prizes there.

In the port we ſaw 150 veſſels of different ſizes unrigged, and appearing to the eye like great floating trunks: eight of them only, ſtill having all their maſts up, could upon the firſt order, ſail out in twenty-four hours.

In the midſt of theſe veſſels we ſaw the Britannia, which, for its bulk and ſtate, is the ſame as the whale

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* *Inſula portum*
Efficit objectu laterum, quibus omnis ab alto
Frangitur, inque ſinus ſcindit ſeſe unda reductos.

with reſpect to other ſea-monſters: it is pierced for 110 cannons. To know how to conſtruct and to work veſſels of this magnitude, is certainly the maſter-piece of human induſtry *. England has ſuch another, called the Royal-George, the conſtruction of which is ſo complete that it can be as eaſily worked as a frigate. The Britannia was one of the veſſels ſent againſt St. Caſt.

The ſervice done by theſe enormous ſhips is by no means proportioned to the great expence which they occaſion; being more for oſtentation than real uſe; they make much the ſame figure in the Engliſh navy as the Bucentaur in that of Venice: the Engliſh themſelves ſay that they have them only becauſe France choſe to have them; and that they will lay them aſide as ſoon as ſhe thinks proper to ſet the example.

In going through the port we paſſed by ſome French ſhips taken in the laſt war. The Couronne was one of the largeſt. We likewiſe ſaw in the dock a veſſel belonging to the king of Spain, which was there unrigging. It had been built in America: the timber work was all cedar, and the deck was Acacia wood. The keel was covered with carved work half deep: this we were deſired to obſerve as ſomething remarkable.

By the Engliſh account, and according to a memorial which we inſpected, the French navy loſt in the laſt war 104 veſſels, either taken, wrecked, or burnt; and the navy of England loſt only thirty-

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* Homer ſays of the Phœnicians concerning their ſkill in this art, then in its beginning:

Τόσσον φαίηκες περὶ πάντων ἴδριες ἀνδρῶν
Νῆα θοὴν ἐνὶ πόντῳ ἐλαυνέμεν, ὡς δὲ γυναῖκες
Ἱςὸν τεχνῆσαι. Περὶ γὰρ σφισι δῶκεν Ἀθήνη
Ἔργα τ' ἐπιςασθαι περικαλλέα, ϗ φρένας ἐσθλάς. Odyſſ. L. vii. 110.

nine, which were in a great meaſure ſupplied by captures from the enemy.

In the artillery yard we ſaw a ſet of guns entirely new caſt, for the Centaur, a French man of war. Theſe guns are not of the ſame caliber, or the ſame length, as the cannon aboard the French fleet.

The Engliſh conſider the diminution of length as an advantage, becauſe every time a piece is fired off, it is hawled back into the veſſel, where they charge it with eaſe, having ſhut the port-holes. On the contrary, as the French charge without-ſide the veſſel, under the enemy's fire, they do it aukwardly, both the loading and the bullet frequently falling into the ſea. The Engliſh prefer the firſt method both as moſt advantageous to the ſervice of the artillery, and as calculated to ſave men's lives; ſince it not only contributes to the ſecurity of thoſe who charge the guns, but likewiſe of ſuch as are working or giving orders between the decks, who are expoſed to the fire of the enemy only when the port-hole is opened.

They urge farther in favour of their method: 1. That it is falſe that a cannon carries in proportion to the length of the piece. 2. That the long guns, when out of the reach to which their ſhort cannon carries, make more noiſe than they do hurt, and conſume ammunition to no purpoſe. 3. That within the reach of their cannon, there is a perfect equality. 4. That their firſt care in attacks is to place themſelves within that reach.

The Engliſh have likewiſe much fewer men aboard their ſhips than the French. Hence it ariſes, as admiral Byng alledged in his defence, that, generally ſpeaking, ſix or twelve French veſſels have the advantage over the ſame number of Engliſh.

To this the Engliſh anſwer: 1. That with the ſame number of men it is better to ſend three ſhips to ſea than only two. 2. That engagements happen ſeldomer at ſea than at land; and that it is ill judged to take our meaſures from what happens moſt rarely. 3. That any number of men above thoſe neceſſary for ſervice, has no other effect but to diſturb and impede it. 4. That in long voyages or cruiſes, the ſtowage of proviſions is reduced by the diminution of mouths. 5. That the ſalubrity of air aboard a veſſel, and the health of the men, are proportioned to the number of the crew.

The Engliſh avail themſelves of thoſe ſailors whom their wounds have rendered unfit for ſervice. They make them do the buſineſs of cooks, or ſweep the decks: the ſimplicity of Engliſh cookery makes any man capable of the former employ; the latter is of importance in point of cleanlineſs, and thoſe who perform it are conſtantly employed in rubbing and waſhing the inſide of the veſſel. We ſaw in the ſtreets of Portſmouth a ſailor who in the laſt war had had both his arms ſhot off; he was not even then quite uſeleſs. We gave him a few ſhillings, which we put into a little bag, hanging from one of his button-holes.

Portſmouth has no troops but what are neceſſary to keep an inconſiderable guard in the dock: the ramparts, the fort and the batteries themſelves have neither guards nor centinels. As we cloſed the day by viſiting the inſide of the old fort, we found there only two unarmed invalids: they were quietly dreſſing their ſupper at the foot of a ruinous tower. The commiſſioner ſmartly told them, that they ſhould at leaſt have the draw-bridge ſecured. They continued to eat their ſupper notwithſtanding the re-

rebuke, leaving things, no doubt, in their uſual ſtate.

We were aſtoniſhed at this ſecurity. Upon ſignifying our ſurprize to the commiſſioner, he told us: that England ſubſiſted by œconomy; that ſhe employed her men only in the moſt indiſpenſible ſervices, and that the peace fully ſecured her from any danger of being moleſted by France. He told us of the terrible panick with which the kingdom had been ſtruck by the flat-bottomed boats, in the laſt war, when the French threatened to invade England. Theſe boats afterwards ſerved as tranſports to carry the French priſoners back to France. The commiſſioner, who had ſeen them, aſſured us that they were very well adapted to the purpoſe for which they had been conſtructed.

Portſmouth has a dock for repairing the old ſhips of the royal navy and building new ones. But this dock though very conſiderable, is nothing in compariſon of thoſe of Woolwich and Chatham. I ſaw only the parks and magazines belonging to the two laſt. All acceſs to the places where veſſels are built, was forbidden the French by an expreſs order of the lords of the admiralty; the pretext for this order was, the unpolite treatment which ſome Engliſh perſons of diſtinction affirmed they had received at St. Maloes, and of which they complained to the government.

A view of theſe parks and magazines, as well as of Portſmouth, conveys the higheſt idea of the naval force of England: a force infinitely ſuperior to that which Auguſtus diſtributed through the ports of Frejus, Carthage, Alexandria, Miſenum and Ravenna, for the ſecurity of the ſeas comprized within the whole extent of the Roman empire.

For this naval force England is indebted to Cromwell. By the navigation-act that uſurper did his country the ſame ſervice, which the Athenians had received from Themiſtocles, when he perſuaded them to fly to houſes and citadels of wood. This act being confirmed and renewed by Charles II. in 1660, had an effect almoſt inſtantaneous. Sir Joſhua Child obſerves in his Treatiſe on Commerce, that England, which in the reign of Charles I. had not three merchant-ſhips of 300 tuns, had under Charles II. above 400 veſſels of that burden. It ſhould at the ſame time be obſerved that the act of navigation was levelled againſt the Dutch, who then carried on the commerce of all Europe in general, and particularly that of England *.

The proſcription of the royal family completed what Cromwell had begun for the re-eſtabliſhment of the naval force of England. Charles II. the duke of York his brother, prince Rupert his couſin, and all the noble exiles of that court, had been received by Holland. The ſea was the only reſource left to thoſe illuſtrious adventurers to try their fortune: they therefore attached themſelves to it with an ardour little to be expected from the education of princes and great lords. An extenſive knowledge of the ſeveral branches of the art of navigation, a knowledge, in ſhort, improved by experience, was the fruits of this ardour. Charles II. upon his reſtoration, cultivated the ſtudy of naval affairs, as much through inclination as reaſons of ſtate: "He employed his leiſure-time in experiments upon navigation, of which, ſays Sorbiere, he had a profound knowledge. By his orders lord Brouncker tried what ſort of wood

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* The war which terminated the peace of Nimeguen, was rendered remarkable on the part of the Dutch by many inſtances of their reſentment on account of the act of navigation.

ſwam beſt upon the water, and under what conſtruction a veſſel ſailed moſt eaſily. In ſome converſation upon this ſubject, adds Sorbiere, I heard of a ſhip of two keels and two maſts a breaſt, which bearing two ſails, might receive more wind, ſink leſs deep in the water, and of conſequence move faſter. Certain it is that the ſcience of maritime mechanics has been greatly promoted by this royal curioſity." This is an obſervation made by a Frenchman at his return from London in 1663. Charles II. had admitted him into his cabinet, where he cauſed him to examine a globe of the moon, upon which all the protuberances of that planet were repreſented in their relative proportion. His majeſty then converſed with him upon an aſtronomical problem.

Europe afterwards ſaw the duke of York, prince Rupert, and moſt of the noblemen who had followed the king to Holland, ſhine in the moſt diſtinguiſhed manner in the ſea-ſervice, and animate it with that ſpirit which a noble emulation has continued to this day *.

The navy of Great Britain is indebted to this ſpirit for the prodigious increaſe of its ſtrength, the improved conſtruction of its veſſels, the perfection of the naval manœuvre, the art of making ſignals, the punctuality of ſervice, and in fine for thoſe laws, the execution of which upon the unfortunate admiral Byng, determined its ſuperiority in the laſt war.

England owes to its ſituation the taſte of its inhabitants for maritime affairs, and their views of im-

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* The Engliſh compare to the greateſt men they ever had in the ſea-ſervice our Abraham Duqueſne, who died in 1688, in the 78th year of his age in the Proteſtant perſuaſion, in which he was born, and who was for that reaſon meanly buried by the ſide of a ditch, at his eſtate at Bouchet, near Etampes *Hiſtory of the Dioceſe of Paris*, by the Abbé le Beuf, Tom. II. p. 68.

provement. From that taſte and thoſe views it might be expected that they ſhould have had the honour of diſcovering and conquering the new world, in preference to the Spaniards, who, at the time of that great event, were hardly able to manage their wars upon the continent.

Hence my lord Bacon, in his Hiſtory of Henry VII. affirms that accident alone prevented the Engliſh from making that diſcovery. Columbus, ſays that author, had ſent his brother Bartholomew to England to lay his plan, which had been rejected by the king of Portugal, before that court, but he was taken by pirates; Colombus, impatient at not hearing from him, went to offer his ſervices to Ferdinand and Iſabella.

To repair this miſtake Henry VII. liſtened readily to the propoſals which were made him by Sebaſtian Gabati, a Venetian, for the diſcovery of a northern paſſage to the Indian ocean. This expedition, in which the merchants of London embarked, gave occaſion to the diſcovery of the Terra de Labrador.

The conqueſt of the new world, which Cromwell had been long meditating againſt the Spaniards, was prevented by nothing but the death of that uſurper. The Engliſh reſumed the deſign at the death of Charles II. king of Spain, and that deſign had a conſiderable ſhare in the part which they took in the war concerning the Spaniſh ſucceſſion. They ought to think it a happineſs, that it has failed, if the prediction of the abbé Dubos, which I cited at the article of Colonies has any foundation; if, as hiſtory proves, great conqueſts were always, in regard to England, a prelude to the moſt fatal revolutions †.

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† See the Hiſtory of Edward III. and Henry V. or rather of Richard II. and Henry VI. &c.

THE POLITE ARTS.

The progreſs of the Engliſh in the polite arts has not been extraordinary. Amongſt the travellers of that kingdom, that is amongſt the greater part of the gentry and nobility, there are numbers of connoiſſeurs [*], who indulge this taſte with all the impetuoſity of their national genius: they have not, however, been as yet ſucceſsful in forming artiſts capable of vying with thoſe, who ſprung up ſo faſt in Greece, Italy, and even in France, at the command of a Pericles, of the houſe of Medici, or of Colbert.

The preſent ſtate of the polite arts in England, is a ſubject that has employed ſome able pens. My obſervations concerning this article, will be only an inconſiderable ſketch, but faithful and free from prejudice; I ſubmit it to the opinion of thoſe artiſts, who are maſters of the ſubject, and dare to judge for themſelves.

To begin with thoſe arts, which have drawing for their common baſis, they were in the middle ages cultivated in England with a ſucceſs to which the writers of thoſe times bear teſtimony. Leo of Oſtia, who wrote at the beginning of the twelfth century, ſpeaks in his Chronicle of Mount Caſin, book II. chap. xxxiv. of a ſhrine, which made part of the treaſure of that monaſtery: the Engliſh artiſt, ſays he, there laviſhed ſilver, gold, and precious ſtones with as much profuſion as eaſe *. The book of the Anniverſaries of the Vatican Baſilica, publiſhed by Roſſi at the end of the Life of Boniface VIII. p. 345, makes mention of five ſuits of ſilver embroidery, of which three were *de opere Cyprienſi & unum de opere Anglicano*. If the treaſures of theſe monaſteries, and baſilicas, which have preſerved the moſt precious remains of antiquity, and which at the revival of the arts furniſhed them with their firſt models, were thought to be honoured by Engliſh artiſts, or thoſe who followed the taſte of that nation; it is to be preſumed that theſe performances ſtruck the eye by the fineneſs, brilliancy, and elegance of the execution, which to this day characterize every piece of Engliſh handicraft. Such are thoſe ſciſſars incumbered with ornaments, of which I ſhall ſpeak hereafter. Perhaps the *opus Anglicum* was that ſpecies of filigrane, which required as much patience as dexterity of hand in the artiſt.

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[*] Moſt of theſe connoiſſeurs follow their own whims in employing able artiſts to deſign extravagant ſubjects, which exiſt only in their own brain, and which it is impoſſible to underſtand the meaning of, for want of a key The collection of Engliſh prints in the poſſeſſion of Abbé Trublet, is well known at Paris; they are about a dozen, and beautifully engraved; they were a preſent from an Engliſhman to the Abbé, who is unacquainted himſelf with the ſubject. Such likewiſe were thoſe prints, which furniſhed M. Duclos with the ſubject of his Acajou.

The writer of the exploits of William the Conqueror bears a teſtimony equally advantageous to the ſkill of the Engliſh women, who lived in the age of that prince, with regard to embroidery and all ſorts of needlework †. The artiſts of thoſe times were judged by their peers, whoſe teſtimony ſhould be eſtimated according to the taſte of the middle age, a taſte equally limited and indelicate.

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* *Loculus iſte mirificus argento, auro, gemmiſque, Anglico opere, ſubtiliter ac pulcherrimè decoratus.* That wonderful ſhrine, adorned with the utmoſt art and elegance, with ſilver, gold, and jewels, by Engliſh workmanſhip.

† *Anglicæ nationis fœminæ multùm acu & auri texturâ, egregiè viri in omni valent artificio.* The Engliſh women have great ſkill at needle-work and embroidery, the men are admirable at works of art of all ſorts.

HIS-

HISTORY PAINTING.

The reputation of Mr. Hayman, a painter in this branch, is ſtrongly confirmed by the four large pictures of that maſter, which adorn the ſalon lately added to the rotunda of Vaux-hall. The place which thoſe pictures were to occupy, and the ſubjects which they repreſent, have had upon the imagination and pencil of the artiſt all the effect they ought to have; he has ſurpaſſed himſelf in thoſe four pictures; and the three pieces of his, which I have ſeen at the exhibition *, can by no means come in competition with them.

England has loſt by the deaths of Meſſieurs Hogarth, and Highmore, two ingenious artiſts who rivalled Mr. Hayman in hiſtory painting. I have ſeen four pictures of the firſt at the celebrated Mr. Garrick's, to whom he had left them by will. Theſe pictures are in the taſte of the old Breugel: we there ſee nature herſelf in action, in the ſeveral ſcenes exhibited at taverns, fairs, markets, which the Engliſh theatre repreſents moſt faithfully: it is pure nature, but nature too naked and too true: a truth very different from that diſplayed by the pictures of two of the maſters of the preſent French ſchool, meſſieurs Chardin and Greuſe. Hogarth has painted a great deal; England is filled with prints from his drawings, and they are ſold at a very high price. It is to be preſumed that he originally employed his talents in the nobleſt way, which led him to the Analyſis of Beauty.

That treatiſe is a very metaphyſical explanation of an obſcure paſſage in Pliny, which confines the whole

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* A public expoſition of their works, made by the Engliſh painters, after the manner of that of the Louvre. This exhibition laſted during the whole month of May, at Spring-Garden, near St. James's Park.

art of painting to the delicacy and preciſion of the contours. Pliny, lib. xxxv. c. 6.

The author of this treatiſe has very faintly hit off his ſubject in a large picture, one of the ornaments of the Foundling Hoſpital: in this piece he rivalled the three other painters whom I have already named.

This competition can alone procure England hiſtorical painters; and that nation has the ſame reſource to eſtabliſh it, which contributed moſt to the ſucceſs of the French ſchool, I mean the competition ſet on foot in the laſt century, by the company of goldſmiths, for the pictures which at preſent adorn the cathedral of Paris. The French ſchool has returned this favour of the goldſmiths, by eſtabliſhing at Paris that taſte, which diſtinguiſhes whatever comes from their hands.

The nakedneſs of St. Paul's church offers a noble field for the competition; if the goldſmiths of London would copy the example. The manner in which thoſe of the reformed religion have underſtood the ſecond Commandment, more or leſs rigidly in proportion to the greater or leſs degree of fanaticiſm in each ſect, cannot at preſent be a very formidable obſtacle to the Engliſh. The common people of London would not be more prone than thoſe of Paris to worſhip the perſons repreſented by the pictures in the cathedral: they would conſider theſe images in the ſame light as they do thoſe with which Sir James Thornhill has embelliſhed the cupola of St. Paul's: they would contemplate the picture of the Converſion of St. Paul with the ſame eye, with which they ſee it in the baſſo relievo of the great portal of that baſilica: the reſpect which the populace of Rome itſelf pays to the pictures that adorn St. Peter's, is no more than a bare admiration excited by the exquiſite performances of firſt-rate artiſts.

In fine, do the Engliſh themſelves give the name of idolaters to their countrymen, who upon purchaſing in Italy an original picture, or a ſuppoſed original, of the Virgin Mary, by ſome great artiſt, place it with the utmoſt reſpect in their principal apartment.

The fanaticiſm of the independents baniſhed all paintings on glaſs from the churches, where they had maintained their ground notwithſtanding the Reformation: theſe paintings, however, have been reſtored, together with the church of England, to whoſe principles, figures upon cloth or wood are not more oppoſite than thoſe upon glaſs.

'Tis the buſineſs of the Society of Arts to determine how far the expedient propoſed may be compatible with received prejudices. By adopting this expedient, St. Paul's church will obtain a decoration, that muſt give it a greater reſemblance to St. Peter's, which was originally intended: the taſte for ornaments of this nature ſoon extending to other ſacred edifices, will open a ſchool of painting in England, which it muſt want ſo long as its artiſts are not excited by ſo powerful a motive of emulation.

If we may believe the abbé Winkelman* in his Hiſtory of Arts amongſt the Ancients (Tom i. ſect. iii.) where he conſiders the influence of the climate upon the diſpoſition of a people, relative to the arts; the Engliſh, on account of this very diſpoſition and the effect of the climate, have never yet had a ſingle painter of reputation. He adds: "the French, excepting two only, are in the ſame predicament with the Engliſh, notwithſtanding the great ſums they have expended, and the endeavours they have uſed to riſe to perfection."

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* The abbé Winkelman does not name theſe two painters. Pouſſin is one of them: I leave the nomination of the other to painters.

PORTRAIT PAINTING.

The views of the Engliſh with regard to poſterity have determined their taſte to this ſort of painting, for which they pay extremely dear.

One of the halls of Windſor-palace contains all the choiceſt pieces of this ſort poſſeſſed by the Engliſh; theſe are a collection of portraits by Lelly, repreſenting the women who adorned the court of the voluptuous Charles II. it is a kind of commentary upon the celebrated Memoirs of the Chevalier de Grammont.

The king, and the noble families of England, are poſſeſſed of ſeveral portraits by Vandyke; portraits, which are generally ſpeaking, more precious on account of the artiſt, than of the perſons they repreſent.

I happened one day to ſee, at an auction-room, a very valuable picture of Charles I. he was repreſented ſtanding upright before a table, and armed cap-a-pee; at his ſide ſat the queen his conſort, with the two princes his ſons, about five or ſix years of age; all figures as big as the life, and worthy of the pencil of Vandyke, to whom this picture is aſcribed. The queen is there employed in a very extraordinary manner; ſhe adjuſts the moſt indecent part of the king's armour,

Cet endroit delicat
Où la cuiraſſe à l'aiguillette eſt jointe. P. ch. x.

At the extremity of the frame which contains theſe figures, lies an arrow broke in two pieces.

England for ſome years enjoyed Michael Vanloo, firſt painter to the king of Spain, who had a great genius for this ſpecies of painting; at the public exhibition of 1765, there were ſome pictures by this maſter; amongſt which, two held a diſtinguiſhed place, one, that of his own family; and the other, that of Mr. Charles Vanloo, his nephew; both which pieces were ſeen the ſame year at the Louvre.

I have ſeen ſome portraits by Sir Joſhua Reynolds, who adopts the grand taſte, which is that of Vandÿke. In one of theſe pictures, repreſenting a family, the mother holds by the arm a ſuſpended child, the body of which thrown almoſt horizontally, leans upon that arm. When I obſerved that this attitude was ſomewhat extraordinary, I was told that it would be improper in a French child; but that the Engliſh children are the moſt obſtinate, ſelf-willed creatures in the world; in a word, that this attitude had been taken from nature itſelf.

At a public exhibition I ſaw a large picture by the ſame hand, which repreſented a lady ſacrificing to the Graces. This produced a grand effect, as well as the picture of the marquis of Granby on horſeback, drawn likewiſe at full length.

“ M. Rouquet, in general obſerves, the Engliſh painters are naturally colouriſts; their manner is large, ſimple, and bordering on the grand. They treat the portraits of women with a delicacy and neatneſs extremely agreeable.”

I was ſtruck with this manner in a portrait at half length, which was thrown into a corner of the ſaloon in an old frame. If I had had a fancy to have my picture drawn, perhaps I ſhould have choſen the artiſt who drew this portrait.

LANDSCAPE PAINTING.

A multitude of pictures of this ſort, expoſed to public view in the exhibition-room at London, ſeemed to confirm the judgment of M. Rouquet concerning the Engliſh landſcape painters. "Few maſters, ſays he, in this way ſurpaſs the Engliſh landſcape painters; they are at preſent in the higheſt eſteem."

Theſe landſcapes have all the glow of nature; but I thought I could perceive in certain parts of thoſe which made the beſt appearance, a dryneſs which is not to be found in nature.

FOREIGN PICTURES.

England wants none of the neceſſary means to form a ſchool of painting, uniting all the different taſtes. The Engliſh are, as it were, naturalized at Rome, and in all thoſe parts of Italy which poſſeſs the nobleſt models: a taſte for pictures makes an article of their luxury: they ſacrifice to this taſte in proportion to their fortune. Often duped by this paſſion, and by the cant of Italian and national pretenders to connoiſſeurſhip, they run about in queſt of paintings, and keep them as the French nobility and people of fortune at Paris do girls, more thro' variety than inclination or neceſſity. But amongſt a multitude of good copies, many of which were ſold for originals, the Engliſh are poſſeſſed of ſome genuine originals, which might make the foundation of an excellent ſchool.

All the deſcriptions of England ſpeak with rapture of the famous Cartoons of Raphael, and of many pieces of the greateſt maſters ſcattered up and down in the royal palaces, melancholy remains of the collections of queen Elizabeth, or of the firſt Stuarts, and ſince diſſipated by Cromwell. Several private houſes are, in this reſpect, upon a footing with the royal palaces.

The earl of Cheſterfield has a gallery of paintings, the number, variety, choice, and value of which are ſuch as might be expected from the opulence and taſte of the owner. The chief piece in this gallery is an Aſſumption by Rubens, treated in the grandeſt taſte with all the energy, harmony, and truth, which characteriſe the moſt valuable performances of that great maſter. As he has excelled in this piece, he has fallen equally below himſelf in the roof of the Banquetting-room at Whitehall. The compoſition of this vaſt roof, diſtributed into correſponding rolls of different magnitudes, is remarkable for nothing but the heavineſs of the deſign in general, and for the uncouthneſs of the figures: we diſcover Rubens only in ſome particular parts.

Amongſt the pictures in the earl of Cheſterfield's collection, we farther diſtinguiſh: 1. A portrait of the famous Lawrence of Medici, by Raphael. 2. A market-place in Bologna, by Hannibal Caraccio, or one of his ſchool: the market, the ſellers, the buyers, the buffoons, the ſharpers, who fill this public ſquare, are according to nature, without ſinking into that meanneſs which moſt of the Flemiſh maſters have not been able to avoid, but rather ſeem to have aimed at, and in imitation of them Mr. Hogarth. Few maſters have been able to catch nature and repreſent it in a faithful mirrour, without either ennobling or degrading it: this is the *difficilè eſt propriè communia dicere* of Horace. 3. A picture of Paul Veroneſe, about three feet long, which repreſents the effects of a night ſtorm in Verona, with thunder falling upon different quarters of that city, and a fire whoſe flames mix with the heavenly corruſcations. This was painted after nature by Paul Veroneſe, who at the time of this ſtorm happened to be in a part of the Alps which commands Verona. Having no canvaſs ready at the critical moment, he made uſe of a picture he had juſt finiſhed, and in which he had repreſented Adam and Eve converſing on their great felicity in Paradiſe. There remains no part of their figures but their two heads: the reſt is covered by the repreſentation of the ſtorm, and Verona in flames: it fills a ſort of a roll which appears unfolded.

I ſaw another collection no leſs valuable, at lord Burlington's houſe, at Chiſwick, which, at preſent belongs to the duke of Devonſhire. The apartments are laid out and furniſhed after the Italian manner, adorned with ancient and modern buſts, with tables and chimney-pieces of marble, for the moſt part antique and exceeding curious; and with ſeveral pictures by the moſt celebrated maſters.

Among theſe are diſtinguiſhed a holy family by Andrea del Sarto; ſeveral pieces by Charles Maratti; the portraits of Guido and his wife, painted in the ſame piece by the hand of that maſter; the portrait of Mary queen of Scots in her youth, beautiful as Venus when ſhe roſe from the ſea, &c. But all eyes are engaged by an old Beliſarius aſking charity, by Vandyke. This is one of thoſe maſter-pieces of art which ſpeak at once to the eye, the underſtanding, and the ſoul; one of thoſe performances in which, ſays Pliny, *plus exprimitur quàm pingitur.* An old ſoldier, a peaſant, a woman, and a young girl, give an alms to Beliſarius with a readineſs and a ſenſibility, expreſſed in ſkilful gradations, which exhibit the ſtrongeſt and moſt affecting repreſentation of the various ſentiments of thoſe people concerning a man, who had been the ableſt and moſt ſucceſsful general of the age; who had been a ſcourge to the barbarians, and a father to his country; who, in the condition to which fate has reduced him, appears ſtill to retain ſomething of that air and appearance which diſcover the hero. All that M. le Beau has collected in his Hiſtory of the Lower Empire concerning the exploits and virtues of Beliſarius, is called into action in this picture, with an art which gives reaſon to regret that Vandyke has contented himſelf with the honour of being the king of portrait painters.

SCULPTURE.

Weſtminſter Abbey contains all that London and even England are poſſeſſed of, moſt perfect in this way: the moſt ſtriking pieces go by the names of Scheemaker, Ryſbrack, and Roubilliac. Meſſieurs Moore and Wilton are now employed on thoſe pieces which are to complete this fine collection. But all are not of the ſame beauty.

Sir Iſaac Newton's monument, in other reſpects extremely well executed, has over it a celeſtial globe of an extraordinary magnitude, which threatens the more to cruſh the philoſopher, as it is loaded with a female figure, heavily ſeated.

Lord Stanhope's monument, near that of Newton, is equally threatened by a globe with another figure of the ſame ſort.

That of captain Cornwall, which ſtands by the great door, is the firſt that catches the eye. The pomp and magnificence diſplayed around it ſeem rather to ſuit a funeral decoration, than a ſtanding monument. Behind this huge machine is placed a ſtatue of Mr. Craggs. This figure, with thoſe of Shakeſpeare, Buſby, Congreve, the celebrated Handel, are the moſt ſtriking pieces in this collection, which is not to be matched in Europe.

It were to be wiſhed, that in order to make it complete, thoſe pieces which have no merit either in the execution or the * ſubject, might be detached from the collection, and their places ſupplied by ſuch as have merit in both; in a word that taſte

> *Inutiles ramos amputans*
> *Feliciores inſerat.*

The beſt finiſhed pieces of ſculpture are expected to come from the hands of Meſſieurs Wilton and Moore. I have already ſpoken of Mr. Wilton's model for general Wolfe's monument. I have ſeen at Mr. Moore's a piece of ſculpture as remarkable on account of its high finiſhing, as the oddneſs of the idea upon which it was executed. It was a chimney-piece of white marble for a country-houſe belonging to Mr. Beckford, then lord mayor of London. All the moſt remarkable deaths in the Iliad were repreſented in correſponding groupes, the figures protuberant and almoſt ſtarting from the marble; and theſe groups were intermixed with figures in baſſo relievo repreſenting the deaths of leſs conſequence. Ajax laying violent hands upon himſelf; Priam ſtabbed by Pyrrhus at the foot of an altar; Hector, dragged by Achilles round the walls of Troy; Rheſus, aſſaſſinated by Ulyſſes and Diomede, made a diſtinguiſhed figure in the firſt claſs. Near 300 l. had been paid before-hand for this chimney-piece *.

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* This might be the more eaſily effected, as moſt of theſe monuments are nothing more than cenotaphs. The choice of Weſtminſter-abbey, as a place to erect them, was determined by the epitaphs which filled that church, in which the monks, to whom it formerly belonged, arrogated to themſelves the excluſive right of burying all the dead of Weſtminſter and part of London: a right ſtill claimed in France by the monks of St. Benignus of Dijon, thoſe of Michael de Tonnere, &c. a right, whoſe origin in favour of theſe abbeys ſituated without towns, doubtleſs, goes as far back as the time, when *firmiſſimum hoc privilegium retinebant Galliæ civitates, ut intra ambitum civitatum cujuſlibet defuncti corpus nullo modo humaretur.* Firſt council of Brague. When the cities of Gaul attained this important privilege, that the body of no deceaſed perſon ſhould, upon any account, be buried within the precincts of the cities.

In Windſor chapel, and ſome particular churches in London, the wainſcoting is adorned with a remarkable ſpecies of ſculpture: I mean groups of wreaths very prominent, of a yellowiſh ſort of wood, which I was told was that of Acacia, and ſo minutely carved, that upon touching the wainſcot, they all appear to be in motion. Thoſe at Windſor were done by a man who worked in that way twenty years: a performance as Gothic as that of an iron gate which I have ſeen in ſome other place, the finiſhing of which was a huge plume, executed with as much neatneſs and elegance as it was poſſible for a ſmith; ſtill the eye perceived nothing but iron, that is, a thing in the world the leaſt calculated to repreſent feathers.

The Engliſh have a new ſpecies of ſculpture, thoſe ivory medals, repreſenting the heads of their great men. They are glazed, and then arranged upon a ground of black velvet to adorn their cabinets. Theſe medals, which are of the moſt exquiſite workmanſhip, and in the beſt taſte, ſeem to have all the flexibility and ſoftneſs of wax.

The public monuments in honour of ſovereigns do but little honour to Engliſh ſculpture. Some have attempted to perſuade me, that the horſe which bears the ſtatue of Charles I. at Charing-croſs is by the ſame hand with that at the Place Royal at Paris.

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* I was told by a relation of M. Girardon, of a fact which he had heard from himſelf in the laſt year of his life; a fact which furniſhes another proof of the paſſion of the Engliſh for the arts, and of their munificence to artiſts. Lord Stanhope, after having long admired the monument of cardinal Richelieu at the Sorbonne, went to the houſe of M. Girardon, embraced him with rapture, mentioning the high pleaſure he had received from a view of that monument, and threw down upon the table a hundred guineas, which he forced him to accept of.

If this be true, never did ſons of the ſame father bear leſs reſemblance to each other. The ſtatues of the laſt kings, which adorn the ſquares in the new quarters of the town, being caſt in yellow copper, have nothing remarkable in them but their luſtre: they are, doubtleſs, kept in repair, cleaned and rubbed with as much care, as the larger knockers at gentleman's doors, which are of the ſame ſort of metal.

With regard to pedeſtrian ſtatues, I have already ſpoken of thoſe at the Royal Exchange. Thoſe of Charles II. in the middle of the Change, and at Chelſea, are the fineſt pieces of this ſort in and about London.

The middle of the area before St. Paul's, is adorned with a marble ſtatue of queen Anne, by whom that great edifice was finiſhed: ſhe is repreſented in a hoop petticoat*: a dreſs which appears prepoſterous, doubtleſs, becauſe it is ſeldom to be ſeen in monuments: a dreſs, notwithſtanding, more ſuitable and leſs ridiculous than the cuiraſs, the buſkins, the nudity of the legs, and the whole heroic apparatus under which our ſculptors are pleaſed to repreſent the kings of our Northern countries.

The execution of monuments conſecrated by each ſovereign to the memory of his predeceſſor, might be a natural object to encourage Engliſh ſculptors; but that kingdom, like the other powerful ſtates of Europe, appears determined by choice to ſacrifice that laſting grandeur to the tranſient magnificence of thoſe pompous ſolemnities, which amuſe the populace only a ſingle morning, whilſt a ſmall part of the immenſe expences attending them, would be ſufficient to erect the moſt durable monuments.

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* There is a fine ſtatue of St. Catharine at Paris, at the corner of the ſtreet of St. Aubin-Boucher, by Renaudin, who has repreſented that ſaint in the ſame manner.

Thoſe durable monuments were of all countries and all ages: their perfection indicates the flouriſhing ſtate of arts, empires, ſovereigns, and individuals, who reckoned them amongſt the chief articles of luxury.

Such monuments being conſidered, during the firſt fervor of Chriſtianity, as little ſuited to the humility inculcated by that religion, they confined themſelves to a few inſcriptions, hardly legible, which were ſometimes accompanied by the figure of a dove, or a palm-branch. The catacombs of Rome, the Capitol, and the porch of St. Agnes's church, contain numerous monuments of this ſort. The 10th and 11th centuries ſaw them revived with as much elegance as could be expected at the dawn of the polite arts. The reſtoration of learning brought this elegance to perfection, and made it ſpread: thoſe monuments became the objects of luxury, and refined taſte, as they had been in ancient ages.

How comes it that this article of luxury has been laid aſide by ſovereigns near the ſpace of a century? Let us not attribute this neglect either to a return of barbariſm, or to a ſervile attachment to evangelical counſels. Can princes have ſo little eſteem for themſelves, or be ſo much in love with the preſent age, as to deſire, by the ſuppreſſion of theſe monuments, to ſcreen their exiſtence from the knowledge of poſterity?

ENGRAVING ON STEEL.

Cromwell's coins are the beſt things that England has produced in this way. Amongſt ſeveral of theſe which I have had an opportunity of ſeeing, I took notice of one ſomewhat larger than the French three-livre pieces: it bears date 1658. Cromwell there aſſumes no other title but that of Protector of England, Scotland, and Ireland. The arms on the reverſe are taken in part from Scotland, England and Ireland; and there is no mark of the pretenſions of England to France, except on the crown, the flouriſhes of which conſiſt partly of croſſes and partly of flower-de-luces.

The Engliſh aſcribe the honour of inventing this coin to the celebrated Warin *. The head of Cromwell crowned with laurel, is very beautifully done, with a ſtrong expreſſion of features, and ſtriking reſemblance; it is all over pricked, and ſo is the drapery which covers the tops of the ſhoulders, but in a ſtronger manner than the head.

If Warin cauſed the puncheons of this coin to be made at Paris, he perhaps affected this manner to diſguiſe his touch, which has not loſt, but ſeems rather to have gained by this extraordinary circumſtance.

The mint is fixed at the Tower of London, and men are there more buſied with the emolument than the beauty of the coin. As coins are never caſt a ſecond time, all the money that has come from the mint ſince the reign of Charles II. incluſively, paſſes current equally with the ſpecie of the preſent reign †.

Engravers are paid without any regard to the excellence of their performances; and as they are, to uſe the language of workmen, afraid of ſpoiling the trade, the coins are conſtantly declining from that perfection to which they were carried by Cromwell. That extraordinary man was deſirous that his image ſhould appear in an advantageous light to poſterity, whoſe attention it could not but engage. Thus in antiques the coins or medals of the heroes and of the

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* John Warin, a native of Liege, was director of the French mint under Lewis XIII. and XIV. His medals are in high eſteem. T.

† Shillings of the ſize of the French pieces of 24 ſols, reduced by the wear to two thirds of their value, and having no longer the appearance either of head or reverſe, preſerve ſtill in commerce their relative value to a crown-piece.

other tyrants of Sicily, ſtrike the eye with the moſt perfect workmanſhip.

The Engliſh have the ſame opinion of the coinage of France, that foreigners have of theirs *. From a compariſon of the coins ſtruck by Warin to thoſe now current, they infer a proportionable decline of the art in France.

The Engliſh coiners weigh by Troy-weight, which is likewiſe made uſe of to weigh pearls, precious ſtones, grains and drugs. They divide it into twelve ounces, the ounce into twenty pennyweights, the pennyweight into four and twenty grains, the grain into twenty mites, the mite into four and twenty droits, the droit into twenty perits, and the perit into four and twenty blancks.

Du Cange informs us that the marck of Troyes, *Marca Trecenſis*, was become the common weight of Germany, England, Spain, Flanders and all the trading nations that frequented the fairs of Champagne eſtabliſhed at Troyes; fairs, which for three centuries were the centre of the trade of all Europe.

The Engliſh, whilſt they retain this marck for the commodities above ſpecified, and continue to diſtinguiſh it by its original name, have another which they call averdupoiſe weight: it is of ſixteen ounces, and they make uſe of it to weigh commodities of the heavieſt ſort and grocery wares. However, as the ounce of this laſt ſort of weight is by near one twelfth leſs than the ounce of Troy weight, there reſults from thence a difference of ſeventy-three to eighty, inſomuch that eighty pounds of averdupoiſe give ſeventy-three pounds Troy weight: and fourteen ounces $\frac{1}{2}\,\frac{1}{10}$ give ſixteen ounces of averdupoiſe weight.

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* Its decline is the leſs to be wondered at, as it is made at the expence of the ſtate, which returns weight for weight to individuals, without retaining any part either for the king's dues, or for the expence of coinage; money whether well or ill-coined is equal to theſe people.

The parliament has made ſeveral efforts to remove the perplexity which reſults from this variation, firſt by aſcertaining the relation of the two pounds to each other; and at laſt by endeavouring to eſtabliſh one uniform weight throughout the kingdom: the collections of acts of parliament are filled with propoſals, debates, and reſolutions relative to theſe objects, which are pointed out in the index under the word *weight*.

During my reſidence in London, a bill was at laſt prepared to eſtabliſh one weight only of ſixteen ounces, and I made application under-hand to thoſe of the committee who prepared it, to prevail upon them to throw into the preamble of the bill a few words of acknowledgment to the pound Troy weight, which had ſo long been of ſervice to them.

If in a nation ſo uſed to calculation, ſo ſuperior to prejudices, and ſo much indulged by the miniſtry, a reduction of this ſort is retarded by ſo many obſtructions, ſhould we be ſurprized if the ſame operation, of which Lewis XI. had formed a plan for France, has not yet been carried into execution?

PRINTING.

Under this article ſome conſider only the public papers, which every day overflow the metropolis, and from thence are circulated all over the Britiſh dominions. Now nothing could be more likely to give a diſadvantageous idea of the ſtate of printing in England than theſe papers. They are of the coarſeſt paper, and of an enormous ſize, printed like placarts or proclamations, with types of the moſt ordinary ſort. Theſe papers being thrown about upon the tables in coffee-houſes, amongſt all ſorts of traſh, appeared to me like thoſe dirty rags with which the poor beggars ſwaddle their children. Theſe news-papers are regularly filed, kept from year to year, and are referred to in public and in private, like the records of law in Weſtminſter-hall; though their naſtineſs might be ſufficient to diſcourage the uſe of them, were the Engliſh leſs paſſionate for news, and leſs infatuated with politics and invectives againſt their miniſters.

The editions of the Foulis of Glaſgow are the beſt calculated of any books in Britain to give foreigners an advantageous idea of the typography of that kingdom. I have ſeen in London the firſt ſheets of a Greek and Latin edition of Plato, undertaken by thoſe bookſellers, which had been ſuſpended theſe ten years by reſearches in all the libraries of Europe, with a view to reſtore the Greek text to its original purity. The Greek type of theſe editions, which is without abbreviatures, does not appear to the eye ſo agreeable and eaſy as that of Stephens, Turnebus, Morel, and the Paris ſociety.

It is unneceſſary to obſerve that all books printed in England are extravagantly dear. The high price of labour, far from diminiſhing the avidity of bookſellers, is a new incitement to it.

GOLDSMITHS WARE.

The Britiſh dominions are furniſhed with plate by the goldſmiths of London. Nothing can equal the ſplendor of theſe ſhops: the goods are diſplayed in great order in glaſs caſes. The eye is the more ſtruck with theſe, as the Engliſh have, with reſpect to common plate, adopted the French taſte with regard to that belonging to the church: for plate in England is leſs for real uſe than parade, porcelaine being all the faſhion. This cuſtom is of long ſtanding: in the reign of Charles II. ſecretaries of ſtate themſelves had no plate. The taſte for cleanlineſs has preſerved the uſe of ſteel forks with two prongs, being much eaſier to clean than ours: they are changed at every courſe. With regard to little bits of meat which they cannot ſo well take hold of with the two pronged forks, recourſe is had to the knife, which is broad and round at the extremity.

In this reſpect the difference is not very great between the firſt houſes in London and thoſe of opulent citizens. In one of the former, the parlour was adorned with a great ſilver fountain about three feet high; the water fell into an oval baſon, four feet wide, which lay upon the floor. The workmanſhip of this fountain and its baſon was in the taſte of our church-plate, in mirrors, bars and ſhining facets.

WORKS IN STEEL.

The French Refugees have introduced this manufacture into England, where the cutlery had nothing to recommend it but the fineneſs of its temper. Amongſt many other works of this ſort, I have ſeen a pair of ſciſſars, the branches of which were adorned with plates in filigrain, mounted with brilliants: a piece as extraordinary on account of the patience and execution of the artiſt, as for its total deficiency in point of taſte. Theſe ſciſſars coſt fifteen guineas.

EARTHEN WARE.

The manufactures of this ſort lately ſet on foot in the neighbourhood of London have not been able to ſtand their ground. That at Chelſea, the moſt important of all, was juſt fallen as I arrived at that capital. A nobleman belonging to the court of [illegible]ce undertook a voyage to England, in order to impart to that nation the knowledge he had acquired in this branch by repeated experiments: I do not know whether the Engliſh thought proper to make uſe of it. I have been informed that the county of Cornwall ſupplied them with the ſort of earth fit to make porcelain.

ARCHITECTURE.

The ſame taſte which gave riſe to the deſign of the ſciſſars, of which I have juſt ſpoken, ſeems likewiſe to have preſided over the building of the chapel of Henry VII. joining to Weſtminſter-Abbey. All the parts, whether principal or ſubordinate, whether conſpicuous for art and workmanſhip, or otherwiſe, are a ſort of continued filigrain: this ſtructure reſembles that goddeſs, whom an unſkilful artiſt repreſented in the moſt gorgeous apparel, becauſe he could not give her an elegant form.

The church, to which this chapel joins, was built in the thirteenth century. In the immenſe height of its roof, and the narrowneſs of its iſle, and ſides, it bears a ſtrong reſemblance to the church of the Abbey of St. Owen, at Rouen, and appears to have been built by the ſame architect.

The old cathedral of St. Paul's was a fine monument of the Gothic taſte: it was begun in the twelfth century by Maurice biſhop of London, at the very time in which Maurice de Sully laid the foundation of the cathedral of Notre-Dame at Paris. St. Paul's church had, like Notre-Dame, a gallery along ſide the iſle, the croſs, and the choir. There was one very remarkable difference between the two cathedrals, namely, that the choir of St. Paul's being raiſed a fathom above the floor of the iſle, and divided into three different choirs, to each of which there was a ſort of ſanctuary, exceeded by four fathom the length of the iſle, which was of 330 feet. The entire length of the edifice thus diſtributed, exceeded by three fathom that of St. Peter's at Rome.

Such is the diſtribution of the cathedral at Canterbury *, which ſtill ſubſiſts in its original ſtate.. Now this odd conſtruction ſeems to be owing to the ſingular ſituation, in which the church of England happened to be at the time, when theſe edifices were erected.

St. Gregory having a deſire to eſtabliſh the Papal authority over the church of England, which till then had been independent, ſent a number of Romiſh monks over to that iſland; and the principal of theſe being appointed archbiſhop of Canterbury, laboured as much for the intereſt of his employer, as for his own emolument.

Succeeding popes continued what St. Gregory had begun. New miſſionaries ſucceeded the old ones in England, where they at firſt ſubſiſted entirely upon the charity of the ſecular clergy: under pretext of eaſing that body, they ſhared their functions. Upon this pretence, whole ſwarms of monks, patronized by the Lanfrancs, the Anſelms, the Dunſtans, and by moſt of the Engliſh prelates, who were taken out of cloiſters, attached themſelves to cathedrals, where they formed the lower choir.

The 11th century beheld upon the chair of St. Peter, a ſucceſſion of Monkiſh popes, who retained the deſpotic principles eſtabliſhed in cloiſters: theſe principles regulated the whole conduct of the famous Gregory VII.

In order to ſucceed in eſtabliſhing their authority over Europe, the popes had occaſion for aſſiſtants,

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* The third choir is built without ſide of, and on the ſame level with, the firſt.

whoſe implicit obedience ſhould raiſe no obſtacles to their views, nor reſiſtance to their orders; aſſiſtants, whoſe private advantage ſhould be connected with the intereſt of thoſe who ſet them in action. The cloiſter offered them what they wanted: by the aid of their antient brethren, they attempted to make the whole body of the church of Rome a monkiſh community, with the pope for its abbot, whilſt temporal ſovereigns were to be mere executors of its orders.

The ſecular clergy were animated by principles which counteracted theſe ambitious views: principles founded upon the deciſions of councils; a title reſpected and ſupported by all the preceding pontifs.

To ſurmount this obſtacle, ſome of the predeceſſors of Gregory VII. began, and that pope completed, the buſineſs of cruſhing the ſecular clergy, either as having committed ſimony by continuing to acknowledge the authority of ſecular princes in the diſtribution of benefices; or as guilty of concubinage, becauſe the clergy of the Latin church, after the example of thoſe of the Greek communion, thought proper to marry [*]. The excommunications thundered out on all ſides againſt this indocible clergy, produced the deſired effect: they brought them into [†]

difdiſrepute with the people, whom the natural love of perfection always hurries beyond the mark. The monks availed themſelves of this diſpoſition to ſecure their firſt eſtabliſhments, and to form new ones. England ſoon had no other proprietors of land but them and the king; and the monks of other countries, for that reaſon, gave it the appellation of the Iſland of Saints.

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[*] In Muratori's Collections, we meet with ſome particulars of this kind, which no eccleſiaſtical hiſtorian has entered into. The Mabillons, the Ruinarts, the Dacheries, have taken the precaution to ſuppreſs ſuch papers as might tend to eſtabliſh the ſame facts with regard to France. As to England, ſee *Camden's Britannia*, Anno 1103, and the Details concerning Sylveſter Giraldus, publiſhed by Wharton. *Anglia Sacra*, Tom. II. p. 374.

[†] They brought themſelves into diſrepute by the ignorance which they gave themſelves up to: *Clerici litteraturâ tumultuariâ contenti, vix ſacramentorum verba balbutiebant: ſtupori & miraculo erat cæteris qui grammaticam neſſet.* Will. Malmſb. lib. iii. The clergy were ſatisfied with the learning which they had picked up in a hurry, they could ſcarce jabber out the words of the ſacraments: he who had learned his grammar, was looked upon as a wonder by the reſt.

To all the titles admitted by antient laws for acquiring property, they had joined one remarkably lucrative, which had its firſt riſe in Italy, from whence it paſſed over to France. This title, which went by the name of *precarious*, was founded upon the feudal law. I have ſpoken, at the article of Rents for Life, of its cauſes and effects. The abuſe made of this by the Engliſh monks, excited on the part of the nation a formal remonſtrance, and king John gave his ſubjects the redreſs which they required of him, in Magna Charta *.

The precarious contract was founded in the uncertainty of poſſeſſions, in the midſt of continual wars and invaſions, and under the tyranny of uſurpers, ſcattered in the different ſtates of Europe.

The ſame uncertainty of poſſeſſion, has, under the Turkiſh deſpotiſm, made the grand ſignor's ſubjects have recourſe to the ſame expedient, in order to ſecure to themſelves and their children the property of their eſtates. The owner makes a donation of it to ſome moſque, upon condition that he ſhall enjoy it during his life time; that any of his ſons, whom he appoints, ſhall enjoy it afterwards; and that at the death of this ſecond incumbent it ſhall be entirely converted to the uſe of the moſque. The imans and the derviſes are as earneſt for ſuch donations, as our religious orders; donations which will gradually inveſt them with the poſſeſſion of all the eſtates of private perſons, as they had thrown moſt of the landed property into the hands of our monks.

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* *Non liceat*, ſays the laſt article but two of Magna Charta, *non liceat de cætero, alicui dare terram ſuam domui religionis, ita quòd illam reſumat tenendam de eâdem domo: nec liceat alicui domui religionis ſic accipere quòd tradat eam illi à quo illam accepit tenendam. Si autem aliquis, de cætero, terram ſuam ſic dederit tenendam alicui domui religionis, & ſuper hoc convincatur, penitus caſſetur & terra illa domino illius fundi reintegretur.* It ſhall not be lawful for any perſon to make over his land to a religious houſe, in ſuch a manner as to take it again, and hold it of that ſame houſe: nor ſhall any religious houſe ſo receive an eſtate, as to deliver it up to him of whom it ſo received it, to hold of him. But if a perſon ſhould ſo give his eſtate to be held by a religious houſe, and this ſhall be made appear, the contract ſhall be null and void, and that land ſhall be again put in poſſeſſion of its firſt owner.

In the midſt of the revolution effected by Gregory VII. which transferred all wealth and honour to the regular clergy, the monks who had attached themſelves to the cathedrals, and who, till then, had been contented with the meaneſt offices and the loweſt places in the choir, ſeized upon the higheſt, uſurped the right of election, and placed themſelves upon the epiſcopal throne. To attain this end, it was neceſſary for them to proceed to conteſts and frays, of which hiſtorians give circumſtantial narratives, and which were often attended with bloodſhed. King Henry II. was for reſtoring order; but finding himſelf enſlaved by the unhappy conſequences of his diſputes with the archbiſhop of Canterbury, the monks regained, under him and his ſucceſſors, the ground which they had loſt.

They appointed Richard, prior of Dover, ſucceſſor to Thomas Becket in the ſee of Canterbury; and after his deceaſe they ſubſtituted Baldwin, antient abbot of Ford in Devonſhire.

The latter having more of the epiſcopal character in his compoſition, than of the qualities of a monk,

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endeavoured to reſtore the ſecular chapter of Canterbury to its former rights, as well with regard to the poſſeſſion of the choir, as with reſpect to the election of archbiſhops[*]; and the monks perſiſting to ſtand their ground, he raiſed altar againſt altar[†].

The monks raiſed a terrible outcry againſt an enterprize, which appeared to be levelled at their dignity, and made their complaint to the court of Rome[‡]. By the connection of their intereſts they were ſure of the favour of the pope, who ſupported them with all the weight of his authority, *per furtivâ mandata.* The archbiſhop oppoſed the papal authority by that of his ſovereign: in the conflict of the two powers, this contention degenerated into a ſort of war, *non ſine ſanguine*[§]. The archbiſhop having afterwards followed the king in his expedition to the Holy Land, by quitting the game, loſt it. The monks ſaw him depart, *cum parcioribus lamentis plangentes.*

We are indebted for the particular account of this conteſt to William of Newbury[‖], who, though himſelf of the monaſtic order, does juſtice to the probity, the prudence, and the piety of archbiſhop Baldwin, whoſe oppoſition to his monks he conſiders only as the effect of an indiſcreet zeal. *Fervor paulò indiſcretior.*

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[*] *Cantuarienſibus monachis plus juſto infeſatus, proprium eligendi pontificem jus et prærogativam ab eis tranſferre voluit.* Being more an enemy to the monks of Canterbury than he ſhould have been, he was for depriving them of the right and prerogative of electing the biſhop.

[†] *Ædem majoris eccleſiæ in quâ monachi miniſtrant, quaſi æmulam fabricare adorſus eſt.* He attempted, as it were to build a church, to rival that in which the monks officiated.

[‡] *In ſuum dignitatis præjudicium hoc fieri non ſuſtinentes.* Not bearing that this ſhould be done to the prejudice of their dignity.

[§] *Denique tam fœda contentio inter paſtorem et oves, per annos aliquot, cum multo ſcandalo, tracta eſt, dum neutra pars cedendum putat. & utraque palmam alteri dare ignominioſiſſimum judicat.*

[‖] *De rebus Anglicis*, l. iv. cap. 36.

This prelate happening to die in Paleſtine, the monks, in condeſcenſion to the king's recommendation gave them Hubert biſhop of Saliſbury for his ſucceſſor; but they would not inſtal their new archbiſhop, except upon condition of his aſſuming the habit: a condition which the prelate complied with, by repairing to the monaſtery of Meſtiri in Cotentin, where he made his religious vows. His behaviour to the monks of Canterbury anſwered to this firſt ſtep: *illis moleſtus non fuit* *.

In the chapter ſubſequent to theſe accounts, William of Newbury relates an enterpriſe of Hugh biſhop of Cheſter againſt the monks of Coventry †; an enterpriſe either more fortunate or better conducted than that of archbiſhop Baldwin, as the biſhop was ſucceſsful. The title of this chapter is contained in the ſummary to be ſeen at the head of the edition of William of Newbury, publiſhed at Paris in 1610, by father Picart; but the editor more zealous than the author for his fraternity, thought proper to retrench this chapter from the text, and his edition is the only one which I have had an opportunity of conſulting. In theſe conteſts the biſhops were favoured by the common rights and cuſtoms of the church; but the popes, who derived a mutual ſupport from the monks, did all they could for thoſe whom they had taken under their patronage; in the 13th century this order of men went ſo far as to diſpute with the ſuffragans of Canterbury the right of voting in the election of archbiſhops. This pretenſion which had been totally ſubverſive of the hierarchy, was notwithſtanding ratified by a ſolemn judgment of the ſee of Rome *.

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* A continual war, in which the monks were alternately victors and vanquiſhed, had left them maſters of the field of battle. Henry VIII. drove them from their monaſtery to ſubſtitute in their room a dean, an archdeacon, twelve canons, and ſix preachers.

† *Quomodo Hugo, Ceſtrenſis epiſcopus, deſtruxit monaſterium Conventrenſe.* How Hugo, biſhop of Cheſter, deſtroyed the monaſtery at Coventry.

People of this enterpriſing temper ſometimes met with reſiſtance from the inferior ſecular clergy, who wrote againſt them when it was not in their power to oppoſe their pretenſions by overt acts. In the twelfth century Sylveſter Geraldus, profeſſor of divinity, an enterpriſing man, and very learned for that age, proved a bitter enemy to them. Amongſt the MSS. of the Cotton library there is a work drawn up by him *ex profeſſo* againſt the monks, concerning whom he was wont to ſay both in his public lectures and in private converſations, *a malitiâ monachorum libera nos, Domine.* The title of this work is *Speculum Eccleſiæ:* we meet with a fragment of it in *Anglia ſacra*, containing ſome particulars of the life of a biſhop of Coventry. It is indeed ſomewhat aſtoniſhing, that when the religious orders were baniſhed out of England, none of the chief actors at that memorable revolution, ever thought, in the heat of religious diſputes, to publiſh a work ſo well adapted to the occaſion. The library of the archbiſhops of Canterbury at Lambeth is poſſeſſed of another manuſcript of the ſame author, dictated by the ſame ſpirit as the *Speculum Eccleſiæ.* The title of this laſt is *Gemma eccleſiaſtica.*

This war between the monks and the ſuperior clergy has likewiſe ſubſiſted in France for upwards of three centuries. What the clergy of the church of England carried by one total and deciſive victory, for which they groan at preſent, the Gallican church gains inſenſibly and by degrees. 1. By the commendams, by means of which the popes, who are paid amply and before hand, ſell them the greateſt part of the monaſtic revenues; the monks confining themſelves to remonſtrances, drawn up in a clandeſtine manner, againſt the violence which they ſuppoſe done to their monaſteries by every new commendam. 2. By reunions. We ſee with ſurpriſe in the hiſtory of the dioceſe of Paris by abbé le Beuf, how many fat priories and good abbeys have been ſwallowed up by the archbiſhopric of that capital. The abbey of S. Maur des foſſés, one of the moſt ancient, moſt illuſtrious and beſt endowed of the kingdom, firſt held in commendam by two biſhops, reunited afterwards to the biſhopric, has in the courſe of two centuries, ſeen its monks metamorphoſed into canons, and thoſe canons united to the chapter of St. Thomas at the Louvre; in fine its regular buildings, its ſacred edifices overturned, and demoliſhed: *ſacrarum ut humanarum rerum heu! viciſſitudo eſt!*

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* See in Matthew Paris, at the year 1206, the account of this conteſt, and the ſtrange deciſion that terminated it.

The good people who founded or endowed theſe houſes with a pious munificence, intended to have their bodies buried in the churches, and prayers to be conſtantly offered up for their departed ſouls: but they have been dug up out of their tombs, the wind has diſſipated their aſhes; and inſtead of the prayers which they meant to ſecure, the product of their pious foundations encreaſes the luxury, the equipage, and the ſports of ſome rich nobleman.

The public might at leaſt derive ſome advantage from theſe reunions, if care were taken to ſuppreſs the ſeveral duties ſo burthenſome to the people, and often to the proprietor himſelf, on account of the perplexity and difficulties which attend the collecting them. The chancellor de l'Hopital, the only able legiſlator that France can boaſt in theſe latter ages, extended his views to theſe objects. In the memorial with which he charged the ambaſſador of France to the council of Trent, he required the re-union of the tythes to each pariſh-church, upon condition, that the people ſhould be exempted from the payment of all church dues[*].

The facts contained in this digreſſion, and which have been omitted by the writers of the general hiſtory of England, ſeem to throw ſome light upon the inſtitution of the three choirs, which the antient cathedral of London enjoyed, and which that of Canterbury poſſeſſes to this day.

The firſt of theſe choirs was ſet apart as a burying-place for ſovereigns and prelates. At Canterbury, it unites the rival houſes of York and Lancaſter. Amongſt their tombs, the moſt remarkable in many reſpects, is that of the Black Prince, *the moſt brave and gallant general, the moſt accompliſhed knight, and the hero of his age.* Over this tomb is a canopy, from the centre of which hang the caſque, the hat, the cuiraſs, and the ſword, which that prince wore in his expeditions to France, where his virtuous qualities gained him immortal renown. All the art of the Girardons and the Couſtous, could neither conceive, nor execute, any thing capable of ſpeaking in ſo lively a manner to the imagination, and above all to a French imagination, as theſe ruſty arms and this ſword, ſo fatal to France.

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[*] Letters and Inſtructions, *Ut à ſacerdotali ordine ſordes omnes & omnis avaritiæ labes procul expellantur, nec ullo prætextu quicquam pro rebus divinis exigatur :* that all ſordidneſs of diſpoſition, and groveling avarice, may be baniſhed from the ſacred order, and nothing may be upon any pretext whatever, exacted for the performance of divine ſervice: a propoſition, which St. Charles Borromæus cauſed to be inſerted amongſt the decrees of the council, Seſſ. 24. chap. *Quoniam pleraque*, modifying it by a middle term, and confining it to *ei quod pro rectoris neceſſitate decentèr ſufficiat.* What is a decent competency for the doctor.

Montereau preſerves a monument of this ſort, the ſword of the duke of Burgundy, which hangs from the roof of the principal church.

England is poſſeſſed of many Gothic monuments of the middle ages, ſuch as moſt of the buildings of Oxford, Windſor-chapel, and ſome churches and chapels in London. The plan, the elevation, and the ornaments of the latter, are pretty nearly the ſame with thoſe of moſt of the churches of Rouen.

Windſor chapel, and thoſe of the colleges of Oxford, are chiefly remarkable for the boldneſs of their roof, which are very flat, though of a conſiderable height. In erecting theſe edifices as well as that of the cathedral of Bourdeaux, the Engliſh architects ſeem to have taken for their model the great hall at Weſtminſter, built by Edward the Confeſſor.

Windſor chapel contains the body of the unfortunate Charles I. in a vault under the choir. Yet, if we may give credit to a tradition broached by the independents, and, undoubtedly, falſe, that body had been ſecretly removed by the royaliſts from Windſor to Weſtminſter Abbey; and when in purſuance of an act of parliament, Cromwell's carcaſe was dug up out of the grave, dragged about the ſtreets, and hung upon a gibbet, this ignominy fell upon the body of Charles, not upon Cromwell. The proof alledged in ſupport of this, is that when the head was cut off, to be fixed upon a pike before the parliament-houſe, it was only ſewed to the ſhoulders. We are not told whether this miſtake which completely diſgraced the regal dignity, had been owing to a contrivance of Cromwell, or whether it was the laſt effort of the rage and deſpair of the independents upon ſeeing the royal family reſtored.

It is, however, to be obſerved, that the chapels of which I have been ſpeaking, are not terminated like ours in a ſemi-circle. The extremity perpendicularly interſected is intirely taken up with glaſs caſements, which let in an exceſſive light, neceſſary, no doubt, under a ſky generally gloomy, but too dazzling in ſun-ſhine.

The Engliſh have a general, rambling taſte for the ſeveral objects of the polite arts, which does not even exclude the Gothic: it ſtill prevails not only in ornaments of fancy, but even in ſome modern buildings. To this taſte they are indebted for the preſervation of the two giants in Guildhall. Theſe giants, in compariſon of which the Jacquemard of St. Paul's at Paris is a bauble, ſeem placed there for no other end but to frighten children: the better to anſwer this purpoſe, care has frequently been taken to renew the daubing on their faces and arms. There might be ſome reaſon for retaining thoſe monſtrous figures, if they were of great antiquity, or if, like the ſtone, which ſerved as the firſt throne to the kings of Scotland, and is carefully preſerved at Weſtminſter, the people looked upon them as the palladium of the nation; but they have nothing to recommend them, and they only raiſe at firſt view a ſurprize in foreigners, who muſt conſider them as a production, in which both Daniſh and Saxon barbariſm are happily combined. Let us now come to the modern monuments in the Gothic taſte.

Kew-gardens, belonging to the princeſs dowager of Wales, have been laid out with a royal magnificence: in the midſt of a grove there is a ſaloon built of wood, in the form of a chapel, every part of which is cut and carved in the very ſame taſte as that which obtained in the twelfth and thirteenth centuries.

Mr. Walpole, more renowned for his taſte for the arts and ſciences, than for a name which will be immortaliſed by the annals of the eighteenth century, has built at Twickenham, in the midſt of an agreeable ſolitude, a delightful country-ſeat, which appears to the eye like the ſhattered out-ſide of the ancient priories of the monks of Cluni or Citeaux, during the firſt fervour of devotion. The entrance is by a cloiſter which is low, narrow, obſcure and humid; upon the walls are to be ſeen epitaphs and a variety of funeral monuments brought from Italy. The manner in which the houſe is laid out anſwers to its entry: a refectory, chapter, dormitory, chapel, in ſhort, all are the ſame as in a religious houſe: and from the manner in which it is conſtructed, from the furniture, the glaſſes, the paintings and the ornaments, one would take it to be a monaſtery of the thirteenth century. The library unites all the embelliſhments which architects have endeavoured to give to this kind of building: the roof divided into ogees is loaded with that ſpecies of wreathed ſhells, which the Gothic architecture ſeems to have borrowed from the ſtalactites, ſuſpended in thoſe grottoes that hold ſo diſtinguiſhed a place in natural hiſtory. The books are contained in ſeveral preſſes, the pannels of which, made after the manner of glaſs caſements of churches, are of the moſt precious ſort of wood and of the fineſt workmanſhip, upon the moſt antique models. The ſeats, the tables, the deſks diſcover the ſame regularity and taſte. The windows are of old painted glaſs. In a word, how expenſive muſt it have been, in a country where labour is ſo very dear, to collect all thoſe pieces, whoſe fantaſtic forms, ſo widely deviating from the modern taſte, required as much delicacy as preciſion!

It ſeems unneceſſary to obſerve that the doors, the windows, all the openings, even the air-holes, are cut in ogees; a form which, to my great aſtoniſhment, I once heard commended by a certain architect.

According to this gentleman, the full centre excludes all variety in its form, and preſents to the eye nothing more than the mouth of an oven. The ogee, on the contrary, the idea of which ſeems to be borrowed from a feſtoon curtain, is ſuſceptible of all the variety which a ſine preſents to a geometrician. In a word he proved that the ogee is agreeable to nature, or he at leaſt endeavoured to prove it by compariſons, carried to a ridiculous extravagance*.

Italian workers in ſtucco having, doubtleſs, imbibed theſe principles, ſeem to have followed them in certain modern ſtructures in France, committed to their direction by the Benedictine communities. I have ſeen a ſaloon of this ſort by theſe artiſts, the roof of which being divided into convex points of ogees, and loaded with a heavy ſculpture, the eye was ſhocked with all the whimſical irregularity of the moſt vitiated Gothic taſte.

England was in no haſte to avail herſelf of the noble models, by which architecture was revived in the ſixteenth century. She perſevered in her attachment to the Gothic manner, and her firſt eſſays were no more than a whimſical mixture of the ancient and modern taſte. The oldeſt part of the palace at Hampton-court, Somerſet-houſe in London, and ſome of the colleges at Oxford, have been built in this manner. In the century following the true taſte of architecture was introduced into England by Inigo

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* Father Friſi has juſt publiſhed at Milan, a little treatiſe upon the ogee, and the full centre, geometrically compared.

Jones, a genius who had acquired a thorough knowledge of his profeſſion by a long courſe of ſtudy in Italy, and whom the architects of that country themſelves reckon amongſt the maſters, to whom their art is moſt indebted *.

In London there are ſeveral public edifices erected under the direction of this great maſter †. The moſt remarkable is the Banquetting-houſe, part of the plan of a royal palace, which Inigo Jones was to have built at Whitehall for king James I. To form a judgment of the whole ſtructure from this part, it might have come in competition with the Louvre.

The oddeſt of the buildings ſuperintended by this architect is the church in Covent-garden, built in the form of a market-houſe, with a portico at both ends: the portico has no ornaments but the extremity of the joiſts, ſupporting the roof, which juts out in the manner of a pediment; the beams under this pediment form a horizontal roof, ſupported by two columns of the Doric order. This conſtruction as ſimple as well-judged, by reducing the art to its original, unites all the elements of it.

I have ſpoken of the ſtatue of this architect erected by lord Burlington at Chiſwick. The great avenue of the gardens belonging to this houſe is terminated by a portal of the firſt magnitude, which Jones had built for a country-ſeat ten leagues from that village. That houſe having been neglected, lord Burlington purchaſed the portal, which he cauſed to be removed

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* *In Italiâ Palladio, e Jones in Inghilterra furono i più ſeveri imitatori degli antichi architetti come nella maeſtà e nella ſolidità delle fabriche, così ancora nella ſimplicità e nella ſobrietà degli ornamenti.* P. Friſi, *nello Saggio, ſoprà l'architettura Gotica*, cited above. In Italy Palladio, and Jones in England, were the moſt exact imitators of the ancient architects, as well in the majeſty and ſolidity of the buildings, as in the ſimplicity, ſobriety, and frugality of the ornaments. P. Friſi, in his *Eſſay upon Architecture.*

† Bedford-houſe is one of the moſt remarkable.

piece-meal, and fixed in its preſent ſituation *, with an inſcription repreſenting this fact as an inſtance of his lordſhip's eſteem for the monuments of Inigo Jones's genius. When we are given to underſtand that it was not made on this ſpot, the inſcription makes an odd contraſt with that of the bridge of Beaune, and appears to leſſen its abſurdity.

Jones was ſucceeded by Sir Chriſtopher Wren, who, beſides his ſkill in his own profeſſion, was poſſeſſed of all the different branches of knowledge, which, according to Vitruvius, ſhould be neceſſarily combined, in order to form the complete architect. St. Paul's church is the work of Sir Chriſtopher, who began it in 1676 and finiſhed it in 1711.

None but thoſe who have in their own country an edifice more conſiderable, and more magnificent than St. Paul's church at London, have a right to find fault with it; therefore all nations in Europe, except the Romans, ſhould contemplate it with ſilent admiration.

Thus whilſt the critics of Rome may, perhaps, condemn the diſproportion of its breadth at the entrance with the whole of the edifice, and the extravagant height of the dome which gives it the appearance of a tower, other foreigners will make a few modeſt obſervations: 1. Upon the nakedneſs of this temple compared to Roman Catholic churches. 2. Upon the organ-loft, whoſe ſmoky caſe, with the dirty gilding, and piece of glaſs caſement, make it

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* Thus, in the laſt century, the portal of the abbey of Neſles la Repoſte, belonging to the order of St. Benedict, in the dioceſe of Troyes, was removed piece-meal, and ſet up with all its appurtenances in the little town of Villenoxe. This portal, one of the oldeſt in France, had been erected in the reign of Clovis. We there ſee the ſtatue of the celebrated queen Pedauque, with its gooſe's foot. The removal of this portal does honour to the taſte of the Benedictines for ancient monuments.

look like an old cup-board: Weſtminſter Abbey has an ornament of the ſame ſort, which it would be better without.

3. Upon the bulk of the ſtalls in the choir, which they disfigure inſtead of adorning; this enormous ſize is owing to their having contrived there a kind of upper ſtory, where there are cloſets, in which the women ſeat themſelves to chaunt with the canons.

4. Upon the ſtrictneſs with which that church is kept ſhut, except at the hours of ſervice, when a folding-door on each ſide ſtands open. This cuſtom of keeping out all external air occaſions a dampneſs, which renders that church very unhealthy: the fogs that fill it during the whole winter, continue ſometimes in that incloſure to the end of the month of May.

The only reaſon for its being ſhut ſo ſtrictly proceeds from a ſordid intereſt *, which is but little ſuited to the magnificence of the place. Except at the hours of ſervice, which are very ſhort, there is no admittance without paying three-pence: a contribution equally levied upon natives and foreigners. The ſame contributions are exacted at all the ſtaircaſes, and at the ſeveral doors which lead to the upper parts of the edifice, where various curioſities have been collected, which ſeem little to deſerve that name, and bear no reſemblance to the things they are made to paſs for. Such is a plan in baſſo relievo

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* The ſame motive has occaſioned thoſe vile additions, which conceal the beautiful parts of our ancient cathedrals, by means of ſhops and ſtalls, built with greater ſolidity than ſuch places ſeem to require. In this reſpect, the famous portal of the cathedral of Straſburgh, is ridiculous to the laſt degree. All its prominent parts are ſurrounded by a number of little ſhops, which ſo encumber the place, that it is hardly poſſible to enter the church. I was given to underſtand, that theſe ſhops ſtill belonged to the Lutheran church; but what right has a religion, which is barely tolerated, thus to diſguiſe the nobleſt monument of that city?

ſaid to be that of St. Peter's at Rome, and which is neither that of St. Peter's nor of St. Paul's. We pay for ſeeing each of theſe curioſities, and the money is for the benefit of the lower choir of St. Paul's; as what they collect at Weſtminſter for ſeeing the monuments of the kings, goes to the lower choir of the abbey. This extortion was, doubtleſs, deviſed for want of other reſources.

In the preſent century Engliſh architecture has produced nothing remarkable but the Manſion-houſe, ſome pariſh churches and Weſtminſter bridge. The firſt of theſe ſtructures has leſs the appearance of a houſe, as it preſents in front nothing but a huge pile of the heavieſt ornaments of the Doric order; a pile no way different from that round the vicarage-houſe of St. Euſtachius at Paris, except that the architect has omitted in the latter a pediment proportioned to the bulk of the pillars *. This conſtruction is but little approved of by the Engliſh. I was ſhewn a gentleman, who every year is ſaid to go up to London, from his country ſeat in one of the Northern counties, with no other view but to have the pleaſure of p—ſſ—g upon this ridiculous edifice.

The ornaments of architecture have not been more laviſhed on the outſide of the new pariſh churches, than they have been ſparingly beſtowed upon their inſide.

The Greek Chriſtians took for the models of their churches the ancient temples which were, generally ſpeaking, built in rotondas; the Latins adopted the form of the Roman baſilicas; ſince the Reformation the Engliſh ſeem, like the modern Jews, to have taken for the models of their ſacred edifices, the barns where they aſſembled during the times of perſecution,

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* *Triſte pondus et caducum*
In domini caput immerentis. HORAT.

ſecution, or when their religion was barely tolerated. Theſe temples are compoſed uniformly of a nave and two iſles, formed by a lengthening of the roof of the nave. The iſles have galleries, the windows of which let in a falſe and broken light. That theſe temples might exactly reſemble their models, there is nothing wanting but the ridge to be ſeen in moſt barns: they are perpendicularly terminated by a large caſement of glaſs, which diffuſes an exceſſive glare and claſhes diſagreeably with the oblique light of the iſles. Even the church of St. Martin's in the fields, adorned in the laſt reign with a royal magnificence; and St. James's church, which as yet has neither porch nor external ornaments, are built according to this model. 'Tis a pity that the plan of the rotonda which adorns the gardens of Vaux-hall, was not made uſe of in ſome of theſe edifices.

Weſtminſter-bridge, which was begun in 1739, and finiſhed in 1752, is the work of a Swiſs architect †. Its length is of 1230 feet divided into 15 arches. The whole work is grand,, beautiful, and yet plain. It is a pity that the architect ſhould have been under a neceſſity of giving the parapets an extravagant height. The lowering of theſe parapets would, no doubt, occaſion the ſuppreſſion of the niches erected on each ſide upon the ſpurs of the piles. The cabinet of Monſ. Parcieux, of the Royal Academy of Sciences at Paris, is adorned with the plan of this bridge, executed in miniature, with as much elegance as exactneſs, by the very architect who built it: he bequeathed this plan as a legacy to the above gentleman.

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† M. Groſley calls him a Fleming; but the tranſlator was intimately acquainted with that architect, the ingenious Mr. Labely; and knows him to have been a native of Swiſſerland. T.

The bridge now building between that of Weſtminſter and London bridge, will improve upon the former for the magnificence of its ornaments. Each of the ſpurs of the piles will form, at high water, an angular ſocle to hold two conjunct pillars, upon which there is to be an elegant cornice extending the whole length of the bridge, like that of Pont-neuf at Paris.

The foundations of the piles are made by caiſſons ranged along the banks of the river, and which are afterwards placed upon the pilings deſtined to receive them. The difficulty is to drive theſe pilings. They are all of an equal height, but ſink down unequally according to the different ſorts of ground. Before the caiſſons are laid, the piles are made regular, by cutting them at an equal height by means of a ſaw formed with great ingenuity, and with which they can work under water with equal ſpeed and exactneſs.

I ſaw, with aſtoniſhment, that no wood but fir was made uſe of, either in the pilings, or the caiſſons. I was informed that what determined the architect, was, the good condition of ſome very old planks of this wood, which were found in the bed of the Thames, and proved more durable than oak.

The architect of this magnificent bridge is a Scotchman, named Robert Milne.

By means of theſe ſtructures, in which England and France ſeem to vie with each other, and which experience every day improves and brings to perfection, the eighteenth century will, in the annals of art, be the age of bridges *, which will figure as the only monuments that the preſent architects have had an opportunity of raiſing.

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* It will be likewiſe that of grand plans, and the fine varniſh: in this reſpect we ſurpaſs the Delormes, the Jones's, the Debroſſes, and the Wrens. *Pingimus Achivis doctius unctis,*

The twelfth and thirteenth centuries are, at this day, memorable for the monuments which they have left us in France and England, ſuch as cathedral churches and other edifices of equal importance; edifices which if they do not diſplay a very correct taſte *, at leaſt diſcover grand ideas, both in the prelates who planned them, and in the artiſts who had the boldneſs to carry their deſigns into execution.

This public magnificence † was congenial to the taſte of thoſe ages which we call barbarous. It conſtituted their luxury, and extended even to private perſons. A canon, or a father of a family, contributed at that time towards the building of a church, and adorned a chapel belonging to his chapter or pariſh, as we now ſet our houſes in order, or adorn our apartments. I have ſeen in France, at a country church, a great glaſs-work painted all over with hiſtorical figures at the expence of a huſbandman, who is repreſented in the firſt pannel at the head of ſix boys of different ages: the pannel oppoſite to it contains his wife at the head of ſeven daughters. In this repreſentation they offered to God that numerous family, as a favour and gift of his goodneſs.

The principle of this ſpecies of luxury was a regard to poſterity, and a deſire of leaving behind them ſome veſtiges of their having been upon earth: theſe good folks had ſome conſideration of what was to

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* Moliere, in his poem upon Val-de-Grace, inveighs with a truly poetical ſpirit againſt Gothic plans.

Ces monſtres odieux des ſiecle ignorans,
Que de la barbarie ont produit les torrens,
Quand leur cours, inondant preſque toute la terre,
Fit à tous les beaux arts une mortelle guerre.

Thoſe odious monſters of ignorant ages, which the torrents of barbariſm have produced, when their courſe overflowing almoſt the whole earth, waged a cruel with the elegant arts.

† *Publica magnificentia* in the language of the antients, who oppoſed it to *privatæ luxuriæ.*

happen after them; views unknown to thoſe ages of diſſipation, in which mankind are divided between vanity, the wants which it gives riſe to, and the indelicate avidity of ſupplying theſe wants. In theſe ages which leave no traces after them, men of family, but void of ſentiment, principle, conſiſtency[*], or character, are nothing more upon the ſurface of the earth, than what the froth, formed by the colliſion of the waves, is upon that of the ocean[†].

I ſhall add to what I have ſaid above concerning the effects which a regard to poſterity is capable of producing, that it is what in all ages has ſupported great artiſts in the midſt of the perſecutions, enmities, and troubles, with which the jealouſy of their contemporaries embittered their lives, and which ſhortening the days of many, have ſuffered few of them to have any real enjoyment till after their deaths:

Tum demum vitam, cum moriuntur, agunt.

Learning is likewiſe indebted to it for thoſe perſonages, who, in a profeſſion purely mechanical, as ſoon as it ceaſes to direct and enlighten it[‡], have merited a diſtinguiſhed place amongſt the benefactors of literature, of the ſciences, and of human kind.: I mean the Manutii, the Frobens, the Stephens's, the Elzivirs, &c.

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[*] This is plainly expreſſed by Cicero, in that paſſage of his Offices: *Negligere quid de ſe homines (vel præſentes vel poſteri) ſentiant, diſſoluti eſt animi.* To be careful about what men, whether our contemporaries or poſterity, ſhall think of us in a diſſolute turn; taking the word *diſſolutus* in its proper ſenſe of diſordered, diſcompoſed.

[†] *Pecuniæ cupiditas hæc tropicè inſtituit,* ſaid an author of the firſt age of the Roman empire: *Priſcis temporibus, cùm nuda virtus adhuc placeret, vigebant artes, ſummumque inter homines certamen erat ne quid profuturum ſæculis negligeretur.* The greedineſs of gain was the cauſe of this in ancient days, when naked virtue was ſtill agreeable, arts flouriſhed, and the grand contention amongſt men was, that nothing which could prove ſerviceable to mankind ſhould be neglected.

[‡] To this profeſſion, when left to itſelf, may be applied in a literal ſenſe the celebrated paſſage of Horace, *ſimul hæc animos ærugo & cura peculi imbuerit,* &c. by ſubſtituting in this paſſage *verſus* in the room of *carmina.*

A prejudice very generally received gives to the Engliſh the honour of building moſt of the great Gothic edifices ſtill to be ſeen at Rouen, at Amiens, at Beauvais, at Rheims, at Troyes, at Auxerre, &c. But the architects who ſuperintended theſe edifices are ſtill recorded for the moſt part in the hiſtory of arts †: they were all natives of France, from whence we may infer that thoſe whoſe names have not reached us, were of the ſame nation.

True it is, that during the troubles of the fourteenth and fifteenth centuries, the Engliſh extended their dominion to ſome of the towns, which I have juſt mentioned; but before theſe ſad revolutions happened, the plans of the edifices in queſtion were agreed upon and carried into execution for the moſt part. Add to this, that the Engliſh were but a ſhort time in poſſeſſion of theſe towns; and ſo far were the conquerors from employing their time in embelliſhing them, it appears evidently from ſeveral monuments, that all the labour beſtowed upon theſe buildings remained ſuſpended, whilſt the Engliſh kept poſſeſſion of thoſe places.

The names of certain families, ſtill remaining in theſe towns, are monuments leſs equivocal of the Engliſh conqueſts. One of them, which lies in the centre of France, and which, at the beginning of the fifteenth century, ſerved as a theatre to the grandeſt ſcene that England ever acted in this kingdom, can boaſt of families of Engliſh extraction, either lately extinct or which ſtill ſubſiſt, ſuch as the De Greys,

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† See Felibian's Hiſtory of Architecture.

Allens, Bartons, Gibſons, Maſſeys, Groſleys, Walſtons, Hudſons, &c. whoſe names are very common in England *.

Bourdeaux, and the other towns of Guienne, are where the Engliſh were ſettled for a conſtancy, have many edifices which they owe to Engliſh prelates, whoſe names they have retained †; but we do not know whether they employed ſuch architects as they had upon the ſpot, or had recourſe to Engliſh artiſts through national jealouſy. This doubt even reaches to contemporary edifices erected in England: it may be the rather decided in favour of France, ſince in the taſte for theſe buildings England has only followed France at a diſtance, as it at preſent imitates that kingdom in faſhions. Beſides the particular records of England have, doubtleſs, preſerved the names of the architects who ſuperintended the buildings of moſt importance; their ſirnames formed, according to the cuſtom of thoſe ages, from the names of the places where they were born, muſt put us out of all doubt with regard to the point in queſtion.

The immediate correſpondence eſtabliſhed between England and Italy by the cuſtom of travelling on ac-

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* That city has in return given the Britiſh dominions an illuſtrious perſonage, to whom they are indebted for the firſt prizes which have been there diſtributed for the encouragement of agriculture and arts. His name was Madain; being thrown upon the coaſt of Ireland, by events of which I could never hear any ſatisfactory account, he ſettled in Dublin by the name of Madden, there made a fortune, dedicated part of his eſtate, which amounted to four or five thouſand pounds a year, to the prizes which I have ſpoken of, and left a rich ſucceſſion: part of this ſucceſſion went over to France to the Madains his relations, who commenced a law-ſuit for the recovery of it, and cauſed eccleſiaſtical cenſures to be publiſhed againſt a merchant, to whom they had ſent a letter of attorney to act for them, and whom they accuſed of having appropriated to himſelf a ſhare of their inheritance.

† The chief of theſe are the towers of St. Michael and Piberland, at Bourdeaux.

count of health, curioſity, &c. have enriched the former with ſeveral fine edifices, copied from the great variety of Italian models. But it is at ſome diſtance from London that theſe noble pieces of architecture are to be found.

With regard to thoſe which I myſelf have ſeen I ſhall mention, 1. The magnificent palace of lord Tilney, to the eaſt of London; the model of which was taken from one of the fine houſes built by Palladio in the plains of Padua and upon the borders of the Brenta. It has two ſtories in the Italian taſte, that is to ſay, very lofty. There are twenty windows in each front, the ornaments of which are equally noble and regular. The principal front is diſtinguiſhed by a projecting periſtile which ſtands upon pillars, and forms a balcony to the firſt ſtory. On the ſides are ten windows with larger diſtances than to thoſe in front.

A park of a conſiderable extent, whoſe centre it occupies, is bounded by a pond, from which riſes a large grotto, where the ſpectator beholds a moſt precious cabinet of natural hiſtory. What I would be underſtood to mean is, that the partitions and the vault of this grotto are accurately incruſted with whatever the earth and the ſeas exhibit moſt rare and valuable in ſhells, corals, petrifications, metals, and even precious ſtones: the whole diſtributed with as much taſte as diſcernment.

2. The houſe built by the late Mr. Pelham, in the county of Surry. This houſe has a row of marble pillars, the magnificence of which may be compared to whatever is diſplayed in this way by the firſt royal palaces in Europe. When I viſited this houſe, the heirs of Mr. Pelham were treating about it with the governor of Bengal, who was ſaid to have made an immenſe fortune in the laſt war.

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3. The palace built at Chiſwick by lord Burlington, who had given the plan himſelf, and directed the building in the taſte of Palladio, and, perhaps, in imitation of ſome of his grand edifices, which his lordſhip might have thought it ſufficient to copy. The copy did not ſucceed, chiefly on account of the climate of England: all the apartments have the air of ſubterraneous vaults. The principal front has a hexaſtile portico, all the parts of which are of as exquiſite workmanſhip, as that of the moſt ſkilful jeweller or goldſmith. In the diſpoſition of this portico and its colonades, the moſt noble architect muſt, doubtleſs, have been guilty of ſome miſtake, which he was not able to repair otherwiſe than by cauſing the moſt projecting parts of the inſide of the chapitrels to be altered at the point of their contact with the body of the building.

Thus with more or leſs taſte every Engliſhman who builds, would fain be his own architect; this fancy, which is utterly repugnant to the progreſs of the art, ſeems to make a branch of the national liberty; from whence ariſe the moſt odd and whimſical incongruities even in buildings that have occaſioned the greateſt expence.

To theſe incongruities London is indebted for the chief ornaments of its ſtreets. In fact nothing can be more inconſiſtent than the choice and the placing of the ornaments, with which the ſign-poſts and the outſides of the ſhops of citizens are loaded. They are, for the moſt part, pieces of Doric architecture executed according to the moſt rigorous exactneſs. At the mercer's ſhops the columns are covered with rich ſtuffs, which are continually ſplaſhed from top to bottom with the dirt of the ſtreet.

From what has been ſaid concerning the ſtate of the arts in England, it ſhould ſeem to reſult that the

Engliſh have no taſte of their own. But what nation in Europe ever had a taſte of its own? The love of change and novelty throws our taſtes into a fluctuation and uncertainty, and into thoſe inconſiſtencies which torment a child in the midſt of its play-things and babies [*]. Each nation thus tormented, often ridiculous in the eyes of its neighbours, periodically ſo even in its own eyes, is neither leſs happy, nor content, nor leſs filled with an excluſive admiration for its own productions and fancies [†].

The fixed and invariable taſtes are eſtabliſhed

Ultra Sauromatas;

That is to ſay, in the moſt remote parts of *Aſia*, in thoſe countries, whoſe inhabitants, not ſo much through choice as indolence, dreſs, build, furniſh their houſes, ſing, paint and write in the ſame manner at preſent as they did 3000 years ago.

Beſides, the Engliſh genius has nothing of that flexibility required by the arts from their profeſſors, and which ſeem to be baniſhed by logic, metaphyſics, and the abſtruſe ſciences.

ELOQUENCE.

The antiquity of eloquence in England is uſually proved by a line of Juvenal repeated a thouſand times in honour of France:

Gallia cauſidicos docuit facunda Britannos.

but it happens unluckily that in the ſenſe of the author, this line like many other paſſages cited from the ancients, and which are quite perverted as ſoon as they are ſeparated from the text, preſents in Juvenal nothing more than an ironical panegyric upon the efforts made by a people ſtill in a ſtate of barbariſm to vie with the Cicero's and Pliny's in a language which they were ſcarce able to pronounce[*]. The true ſenſe of this line is aſcertained by that which immediately follows:

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[*] *Sub nutrice puella velut ſi luderet infans,*
Quod petiit ſpernit, repetit quod nuper omiſit,
Æſtuat & vitæ diſconvenit ordine toto.

[†] *Seque et ſua ſola miratur.*

> *De conducendo loquitur jam rhetore Thule*[†].

Let us confine ourſelves to the preſent ſtate of eloquence in England.

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[*] To intimate the extent of uſeful knowledge in the New World, in an Engliſh pamphlet it is ſaid: "there lately arrived in London a deputation from the country of the Hurons, to ſollicit the miniſtry for the eſtabliſhment of an academy of agriculture, and of a military ſchool at Maſſalimakinack."

[†] As by that other line,

> *Lugdunenſem Rhetor dicturus ad aram,*

of the ſame Satiriſt. The penalties ordained by Caligula againſt the Gauliſh pedants who preſumed to appear at the altar at Lyons, were a piece of humour in that frantic emperor; but a piece of humour founded upon the prejudice of the Romans againſt the genius and taſte of the Gauls, Britons, and other Barbarians, lately ſubjected to the empire. The haughty Romans had the ſame opinion of all theſe barbarians, as Cicero had of the Gauls, in compariſon of the Romans; *Si homines ipſos ſpectare convenit*, ſaid that orator, *non modò cum ſummis civitatis noſtræ viris; ſed cum infimo cive Romano quiſquam ampliſſimus Galliæ comparandus eſt*[*]. "If it was proper to conſider the men themſelves, the greateſt and moſt accompliſhed of the Gauls, is not to be compared to the great men of our city, nor even to be compared to the meaneſt citizen of Rome." Theſe ſame Gauls having been afterwards admitted into the Roman ſenate, both by Julius Cæſar and by Claudius, the public ſaw them ſeated there with an aſtoniſhment mixed with indignation, which has been taken notice of in hiſtory: *Galli braccas depoſuerunt, latum clavum ſumpſerunt, Barbaries in curiam effuſa eſt*. "The Gauls have laid aſide their breeches, and aſſumed the Roman robe, the Barbarians have ruſhed into the ſenate-houſe." The Gauls and Britain have ſince had flouriſhing ſchools both of poets and orators; but above all in the country on this ſide of the Loire: the productions of theſe ſchools, and of theſe orators always juſtified the old prepoſſeſſion of the Romans.

[*] Pro Fonteio.

I have already ſpoken of theatrical declamation, and of the effect which it produced upon me; an effect the more remarkable as I was barely a ſpectator. The pulpit declamation is a moſt tedious monotony. The miniſters have choſen it through reſpect for religion, which, as they affirm, proves, defends, and ſupports itſelf without having any occaſion for the aſſiſtance of oratory. With regard to the truth of this aſſertion I appeal to themſelves, and to the progreſs which religion thus inculcated makes in England. They would, doubtleſs, think otherwiſe, if they were acquainted with the reflexions equally ſolid and brilliant of Monſ. Arnauld upon eloquence, or if it were put into their hands at the univerſities.

The ancient Norman cuſtoms or laws confined the eloquence of the bar within the narroweſt bounds, that is to ſay, to what is abſolutely eſſential to the cauſe. A pleader might be diſavowed by his client as long as he had not anſwered for him, and he did not anſwer for him till he heard him; for a prudent man, ſays an old doctor of the Norman law, ſhould not anſwer for things that are to be ſaid, but for thoſe which have been ſaid *. By this law, pleaders are called *conteurs* or relaters.

The declamation of the preſent bar does not appear to be fixed. The pleadings upon which all cauſes are decided in courts of judicature, either inferior or ſuperior, have the advantage of being exceeding ſhort: they have no other object but the matter of fact, concerning which the plantiff and defendant differ; or the point of law which may lead to a deciſion: and in both caſes it is not ſo much a continued diſcuſſion, as a long dialogue between the counſellors, which bears a ſtrong reſemblance to a univerſity diſpute. This dialogue requires leſs eloquence than ſubtilty; but it rouſes the attention both of the judges and the auditors. I have ſeen a ſerjeant at law plead in this manner, who paſſed for one of the ableſt lawyers in London. His queſtions and replies had all the vivacity of a clear-headed reaſoner who is a complete maſter of his ſubject; and he ſpoke with that chearfulneſs which always accompanies thoſe who are ſure of victory. All the auditors and the judges themſelves ſhared it; they laughed in chorus; a much ſurer ſymptom of attention than ſleep.

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* See the great collection of Norman cuſtoms.

I have ſeen in the court of chancery, a young counſel pleading, whom his father's reputation and his own merit had already raiſed to conſiderable preferments. His reclined head, his affected tone, and ſtudied geſtures were peculiar to himſelf: I never obſerved the like in any other Engliſhman who ſpoke in public.

It is in parliament that real eloquence is diſplayed. There the moſt important intereſts are diſcuſſed by orators uſed to ſpeaking, and animated by the love of their country, or at leaſt by the ſpirit of party. I have had the pleaſure of being preſent at ſeveral meetings of both houſes, and though I did not underſtand, I at leaſt ſaw the warm debates in which they were engaged.

I have three times heard the king deliver his ſpeech in the houſe of lords; his voice was ſonorous, flexible, and pathetic; in ſhort, he ſeemed to give the Engliſh language a cadence and a harmony quite new to my ear. At the firſt ſeſſion of parliament at which this prince made his appearance, the Engliſh, who had been for two generations accuſtomed to hear their language diſguiſed in the mouth of their ſovereign by a foreign accent, ſhed tears of joy upon hearing it pronounced with all its graces by a monarch, who, ſtiling himſelf a Briton, ſeemed to promiſe them every ſentiment of patriotic tenderneſs and affection. The Engliſh language is no leſs harmonious and agreeable in the mouth of lord Mansfield, lord chief juſtice of the King's Bench. The monarch ſpeaks to the ſoul, the lord chief juſtice to the underſtanding: whatever the latter utters, bears the ſtamp of that graceful dignity and penetration, which are diſplayed in his air, and indeed in his whole countenance.

The Engliſh language, as generally ſpoken, ſeems to conſiſt entirely of monoſyllables. Of whatever length a word may be, the firſt ſyllable is pronounced with emphaſis; and the reſt being half ſuppreſſed dies away within the teeth[*]: 'tis a continued repetition of the ſame ſound as rough as it is diſagreeable to the ear. Upon the ſtage, on the contrary, it appeared to me that the performers laid an emphaſis upon all the ſyllables, which they pronounced with a languiſhing, drawling monotony.

At the upper houſe I have heard lords Lyttleton, Temple, Pomfret, and the old duke of Newcaſtle ſpeak: the latter delivered himſelf, as he was leaning on two young lords, who ſat before him upon the ſecond bench. The noblemen whom I have juſt named were then at the head of the oppoſition: they were diſtinguiſhed by the appellation of the patriotic lords, and their ſpeeches were animated with all the warmth which ſo noble a cauſe was calculated to inſpire. There muſt, however, have been great humour in theſe ſpeeches, for they occaſioned frequent and loud laughs. In the midſt of a warm debate the lord chancellor roſe, made a long and vehement harangue, and terminated his diſcourſe by a ſtroke which ſet the whole houſe a-laughing. All preſent being entirely taken up with what was ſaid, and with the anſwers immediately made, nobody could explain to me the ſtrokes which occaſioned ſo much mirth: when the houſe roſe, I was told that they were witty repartees, to be catched as they fell, and whoſe merit was inſtantaneous. I was, however, given to underſtand, that when I ſaw only part of the houſe laugh, it was at ſome irony or ſarcaſm thrown out againſt the oppoſite party by the lord who ſpoke.

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[*] With reſpect to many words, this pronunciation has affected the orthography: *chirurgien*, derived from the Greek as well in Engliſh as in French, is written as it is pronounced, Surgeon: this is not the *parcè detorta* of Horace. Thus the Gaſçon pronounces *ſurgien*, *mouſter*, *capten*, *capital*, for *chirurgien*, *mouſquetaire*, *capitaine*, *capital*. The baron de Feneſte, generally ſpeaking, writes in this dialect; he produces a multitude of examples of its tendency to the abbreviation of words; a tendency, which it no doubt contracted in the commerce of the Gaſçons with the Engliſh, who were, during many centuries, in poſſeſſion of Guienne.

Who would not, upon ſeeing the greateſt perſonages of England treating the moſt important ſtate affairs in this manner, who would not, I ſay, be tempted to look upon the Engliſh as the gayeſt, moſt jovial, and the moſt addicted to buffoonery of all nations?

Dr. Brown, in his Eſtimate of the Manners of the Engliſh, vol. i. p. 76, mentions this miſplaced gaiety amongſt the proofs of want of national capacity. "In a nation thus circumſtanced, it is odds, ſays he, but you would ſee ſome of its moſt public and ſolemn aſſemblies turned into ſcenes of unmanly riot; inſtead of the dignity of freedom, the tumults of licentiouſneſs would prevail. Forwardneſs of young men, without experience, intemperate ridicule, diſſolute mirth, and loud peals of laughter, would be the ruling character of ſuch an aſſembly."

In England, as in other countries, thoſe who are moſt celebrated for their elegant writings are often the worſt orators: ſuch was in France the duke de la Rochefoucault, ſo well known for his moral reflections. Huetius informs us, in his Memoirs, that this nobleman reſiſted the moſt urgent intreaties of the court to accept of a place in the French academy, on account of his inability to ſpeak in public *.

I was deprived of the two greateſt pleaſures that London could procure me: that of ſeeing the celebrated Garrick act upon the ſtage, and the illuſtrious Mr. Pitt harangue in the houſe of commons. The nation, at that time, ſeemed to be in a dangerous ſituation, and Mr. Pitt was looked upon as the only perſon capable of ſaving it; yet he did not make his appearance, but was conſtantly deaf to the general voice which called upon him to engage in public affairs.

His place as an orator was ſupplied by Mr. Beckford, who was oppoſed by Mr. George Grenville; theſe two gentlemen, ſeconded by ſpeakers of inferior abilities, headed in the houſe of commons the two parties which divided the nation; and there was equal laughing in both houſes. I could obſerve nothing remarkable in the action of theſe orators. They ſtood up uncovered, and addreſſed themſelves to the ſpeaker, with their legs ſtraddling, one knee ſomewhat bent, and one arm extended, as if

they

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* *Tam molli erat animo & ad verba publicè facienda, cætumque alloquendum remiſſo, tamque aurium oratione deliniendarum & demulcendarum infelici, ut, ſi ſex ſeptemve homines ad ſe audiendum vidiſſet coiiſſe, animæ defectionem eſſet ſenſurus.* Huet. Comm. de Rebus ſuis. L. v. p. 317. He was ſo timorous and backward with regard to ſpeaking in public, and addreſſing an aſſembly, and ſo unhappily defective in the art of ſoothing and pleaſing the ear by eloquence, that if he had ſeen ſix or ſeven perſons aſſembled together to hear him, he would have fainted away.

they were going to fence; they harangued a long time, but ſcarce any body gave attention to what they ſaid, except juſt at the moment when the members of their party cried out in chorus, Aye, aye.

I have ſpoken, at the article of public diverſions, of the theatrical declamation, and the effect which it had upon me. When we conſider the diſtinctions and advantages which the gift of ſpeaking is capable of producing in England, we might be tempted to imagine that London has ſchools of oratory, reſembling thoſe which were opened by Greece in that brilliant period, when the ſeveral republics yielded to no other power but that of eloquence. Vain illuſion! In this reſpect the Engliſh, entirely confined to the beaten track of colleges, are indebted to nature alone for orators[*]; and being content with attaining Horace's wiſh[†], they are not expoſed to the apprehenſions, which a French author expreſſed concerning the fate of our elocution[‡], in a Latin treatiſe publiſhed about the year 1680.

Mr. Hume has dedicated the 17th of his Moral and Political Eſſays to an examination of the cauſes which, as he himſelf acknowledges, have retarded the birth of eloquence in England, and of the means which may cheriſh and ſupport it, ſhould it ever happen to ſpring up in that kingdom. Amongſt theſe cauſes, or the obſtacles which oppoſe its birth, he places in the firſt claſs the temper, the character, and the ſuperior good ſenſe of the nation, as little diſpoſed to deceive and miſlead others by illuſions, as to give into them itſelf. To remove this obſtruction, he lays it down as a maxim in the ſubſequent Eſſays upon the Origin and Progreſs of the Arts and Sciences, and upon the Character of Nations, that this progreſs and this character being connected only with cauſes purely moral, are independent on the influence of climate; that in all climates, and under all the various aſpects of the ſun, *omnis fert omnia tellus*; and that thus the Engliſh will become orators and artiſts, &c. as ſoon as they chuſe to be ſo.

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[*] *Naſcuntur oratores.* Such was the eloquence of the orators who made ſo brilliant a figure during the firſt periods of Roman eloquence. Cato the elder, comparing theſe orators to thoſe of antient Greece, ſaid; ſpeech came only from the lips of the Greeks, while it iſſued from the hearts of the Romans. *Plutarch, Liſe of Cato.*

[†] *Quid voveat dulci nutricula majus alumno*
Quùm ſapere & fari ut poſſit quæ ſentiat.

[‡] *Nunc inter Gallos viget eloquentia & publico fulta ſuffragio, ſæculum aliud tremens expectat.* Sæculi Genius, p. 20. Eloquence now flouriſhes amongſt the Gauls, and being ſupported by the public teſtimony, waits trembling for the deciſion of another age.

But the effect of eloquence upon minds being exactly the ſame with that of electricity upon bodies, and ſome bodies being conſtantly non electrical; if the caſe were the ſame in this reſpect with minds as with bodies, we might, according to Mr. Hume, place the Engliſh amongſt the non-electrical minds, and of conſequence in the number of thoſe which are unſuſceptible of the effects of eloquence, on account of their character, their nature, their temper, and ſuperior good ſenſe. An author of the 12th century, ſtruck with that ſpecific character which diſtinguiſhed the Engliſh from all other nations, and above all from their neareſt neighbours the French, accounted for it by their natural temper, and the extreme humidity of the brain in Engliſhmen *.

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* Petri Cellenſis Epiſt. 23. lib. vi. See likewiſe Sir William Temple's Miſcellanies.

MUSIC.

The ancient Britons were reduced like the Gauls to the rude muſic of the bards, a ſort of prieſts who made part of their ſanguinary clergy. The ſucceſſive conqueſts of the Saxons, Danes, and Normans muſt have been as unfavourable to muſic as to all other elegant arts. Matthew Paris informs us, that William the Baſtard marching to the conqueſt of England, could get no better ballad to be ſung before the deciſive engagement, than that of Roland, compoſed in the age of Charlemagne.

The flouriſhing condition of England under the ſons of the Conqueror was equally favourable to learning and to arts. King Richard, ſirnamed Cœur de Lion, was one of the firſt-rate poets and muſicians of his age. Hiſtory informs us that he had a very fine voice, and that he unbent himſelf from his military labours by ſinging ſongs, the tunes of which, as well as the words, were of his own compoſing. Being impriſoned by the duke of Auſtria, in his return from the Holy Land, and afterwards delivered up to the emperor, who confined him to a jail unknown to all the world, he owed both liberty and life to his ſongs. The affair is thus related by Fauchet, from an old French chronicle, written in the reign of Philip Auguſtus about the beginning of the 13th century.

A year had paſſed ſince Richard's departure from the Holy Land, and the Engliſh hearing no tidings of that prince, began to think of ſubſtituting a ſucceſſor in his room. Blondel, maſter of his chapel, had diſcovered his ſovereign's genius for muſic: for they often compoſed in concert. This employment, and the familiarity which it gave riſe to, had inſpired Blondel with the tendereſt ſentiments for Richard. Impatient at his abſence, he ſet out for the Holy Land in the habit of a pilgrim, and he returned from thence, ſearching all the places through which the prince might poſſibly have paſſed, and following him by the ſcent, if I may be allowed the expreſſion. Upon his arrival at the village of Loſeinſten, in Germany, where the emperor had a caſtle, he privately inquired whether that caſtle had any inhabitants; when he was given to underſtand that a perſon of great importance, whom no body was allowed to viſit, had been confined there a whole year. Blondel, conjecturing that this priſoner was the very prince whom he was in queſt of, took a walk round the caſtle, and ſtopping at the foot of a tower with iron-grates, he began to ſing one of the French ſongs which he had formerly compoſed in concert with Richard, and after the firſt couplets, he liſtened whether any one anſwered. A voice thereupon continued the couplets, and finiſhed the ſong. Blondel being then certain of his diſcovery, returned without delay to England, where a negociation was ſet on foot with the emperor, which reſtored Richard to his kingdom.

Queen Elizabeth's taſte for muſic cauſed that art to make ſome progreſs in England; by giving it ſome of the improvements which it had before received in Italy.

In the preſent age Handel, a German by birth, brought about the ſame revolution in England, which Lully the Italian had effected in France in the laſt century. Since that æra the Engliſh flatter themſelves that they have a national muſic: but it is nothing more than a dialect of the German, as the latter is itſelf a dialect of the Italian.

The grand concert at St. Paul's for the benefit of the ſons of the clergy, thoſe of Vaux-hall and Ranelagh, and ſome private ones to which I was admitted, were ſaid to be Engliſh compoſitions. The ſymphony was half German, half Italian: with regard to the vocal performance, Engliſhmen have aſſured me that the juſt accent of their language was as much murdered by the performers, as that of the French tongue is mauled in the burleſque operas, which are imitations or parodies of the Italian.

The London opera is entirely Italian, both with regard to the words and the muſic; but is much leſs frequented than the other theatrical entertainments. No expence is ſpared to procure fine ſingers; œconomy is obſerved only in the articles of machines and dances. With regard to both of theſe it is not half ſo well ſupplied as the French comedy at Paris is at preſent.

In 1765 Metaſtaſio's opera of Ezio was performed at the Hay-market: at one of the repreſentations I happened to be placed behind two Engliſh young ladies, who accompanied the ſymphony of the overture, were acquainted with the ſongs by means of their books, underſtood muſic as well as the Italian language, and conſequently muſt have been prepared for the incongruities of the entertainment. In the firſt ſcene the part of the emperor Valentinian, which was played by a treble, did not much ſurpriſe them: ſuch a voice appeared to them, no doubt, well adapted to the part of a prince whoſe whole attention was engroſſed by two bright eyes. Ætius made his appearance in the following ſcene, ſurrounded with the trophies and ſpoils of conquered nations; he began with an emphatical narrative of his battles and his victories. This character was repreſented by an accompliſhed Soprano, who had been brought out of Italy at a great expence, and whoſe part, ſupported by a moſt advantageous figure, made a ridiculous contraſt with his voice.

This contraſt had a ſurpriſing effect upon the young ladies. They indulged themſelves in loud peals of laughter, which neither the eyes of the whole audience, nor the remonſtrances of a brother or a huſband, who ſat next them, could either ſtop or even moderate. Conſtraint had no other effect but to increaſe this gay delirium, which was carried to the exceſs that ſome Roman ladies allowed themſelves, whom Juvenal reproaches * with it. Theſe laughs were renewed every time that Ætius made his appearance, but with greater moderation than at firſt: at the laſt ſcene there was no more than a ſort of a recollection of the firſt impreſſion. I was told by theſe laughing ladies, that it was the firſt time of their being at the opera; and that whenever they had a mind to laugh, they would chuſe this entertainment in preference to every other theatrical performance.

THE ART OF GARDENING.

The regular ſymmetry introduced into this ſcience is, at preſent, totally neglected by the Engliſh, and no longer to be ſeen, even at the royal palaces, except at that of Hampton-court, where the Stuarts reſided. The kings of the Hanover family have come nearer to London: George II. lived at Kenſington: the preſent king, who was brought up at Richmond, chuſes to reſide near that village, in a lodge ſituated in the midſt of a fine garden, which formerly belonged to the duke of Ormond, and is only ſurrounded with paliſadoes. Charles II. had planted the gardens of Hampton-court; and king William thoſe of Kenſington, according to the plans of the famous le Noſtre. The laſt of theſe princes had added a graſs-plot, planted all over with yews and cy-

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* Sat. vi. v. 69, taking the poet's words in the literal ſenſe.

cypreſs-trees, and ſurrounded with arbours of the ſame ſort, the whole cut with the utmoſt regularity; but diſmal as a church-yard. This graſs-plot is ſtill to be ſeen under the very windows of the palace, and is called king William's citadel.

This taſte is no longer faſhionable in England. In all the gardens, that I have ſeen, I obſerved but one walk with rows of trees on each ſide, cut and laid out in the French manner: it is preſerved only as a ſpecimen of the ill taſte which now prevails in France.

The Engliſh taſte is no leſs averſe to our modern rows of lime-trees, whoſe tops, cut exactly level with ſheers, form one long portico, which, to the eye, appears like joiners work painted green.

It is from wild and uncultivated woods, that is, from pure nature, that the preſent Engliſh have borrowed their models in gardening. The great avenues of their parks, kept in the beſt order, are roads cut through foreſts of trees of all ſorts and ſizes. The foot ways imitate the little paths of woods by their ſinuoſities, and their manner of interſecting and communicating with each other.

Art ſcarce diſplays itſelf at all in the different plantations which ſeparate and conceal theſe walks: it lies in the choice of the trees and ſhrubs. Daiſies and violets, irregularly ſcattered, form the borders of them. Theſe flowers are ſucceeded by dwarf trees ſuch as roſe-buds, myrtle, Spaniſh broom, &c. The next rows are filled by cedars, pines from different parts of America, and other trees which riſe only to a certain height, or whoſe growth is very ſlow: the laſt ſtage conſiſts of trees capable of forming the higheſt and beſt furniſhed ſtems. By means of this arrangement theſe plantations exhibit the trees in their ſeveral ages, in the pyramidal form, that is to ſay, the form moſt pleaſing to the eye.

The paths which they ſeparate, and by which they are bordered, are little winding alleys, that never run the ſpace of two fathom upon the ſame line, or the ſame plan. In laying out theſe gardens, the object of the firſt labour is the inequality of the ground, which is gained even on the levelleſt ſurface, by digging into, and removing the earth.

In this manner, the gardens belonging to lord Burlington's houſe at Chiſwick are laid out. A ground very flat by nature, turned up by the ſpade, has produced terraſſes and hills, each of which is crowned by a little temple in the antique taſte; finally, a river of an extraordinary breadth, whoſe winding courſe, either cutting, or ſkirting the ſides of the principal parts of the garden, multiplies the proſpects from the houſe. The grand walk which forms the firſt point of view, being planted with cypreſs-trees, intermixed with urns and funeral monuments in the antique taſte, has the appearance of a burying-ground: it ſeems to form an avenue leading to the temple of Melancholy. I have ſince ſeen in France a fountain, which appeared to be made for this avenue; it is newly built, in what they call the Greek taſte, and occupies the center of a ſpacious grove. Its octagon plan, divided into ſtories, has for an ornament at each corner, a vaſe, very heavy of itſelf, and loaded with crowns, or feſtoons of cypreſs; which preſent to the view nothing more than the decoration of a funeral pomp of the firſt diſtinction.

The gardens which the princeſs dowager of Wales has lately laid out at Kew, in the neighbourhood of Richmond, unite all that the Engliſh taſte has been capable of producing, moſt magnificent and moſt variegated.

Theſe gardens conſiſt chiefly in thickets of a conſiderable extent, laid out in ſuch a manner, that each forms a whole, from which we paſs to another unknown to ourſelves, and without ſo much as ſuſpecting that there was any thing farther.

In one of theſe thickets is that Gothic chapel of which I have ſpoken above, in p. 88, and which forms a ſaloon as ſpacious as it is ſingular. In another, on the ſummit of a hill made by art, riſes a temple in the form of a rotunda, in the moſt pure taſte of Grecian architecture: this temple, which is conſecrated to Victory, was erected in 1741. A grove of communication has an antique portal as an ornament, ſupported by the remains of an old building; the whole appears the more natural, as the juncture of the blocks, and the crevices of the building, are loaded with thoſe plants and trees, with which nature delights to overſpread real ruins.

The principal of theſe thickets has a tower in the form of an octagon, built entirely in the Chineſe taſte, three hundred feet high, and divided into nine ſtories, which are diſtinguiſhed by projecting roofs, adorned with bells, dragons, and other Chineſe ornaments.

The middle of the garden round which theſe thickets are ranged, forms a very large plat-form; the ground of which unequally interſected is watered by an artificial river; beyond this river, we meet with a great wooden bridge, built in the middle of the meadow, for no other reaſon but to vary the proſpect. This variety can reſult only from thoſe foreign objects, and the artificial inequality of the ground, which preſents to the view an extenſive lawn of graſs: the middle, which is in the nature of paſture-ground, is left to cows and ſheep, whoſe plumpneſs and good order, whilſt they ſhew what houſe they belong to, add greatly to the beauty of, the landſcape. The borders of this paſture-ground form likewiſe graſs-walks, but the graſs is rolled and cut. The labour which this requires, conſtitutes the chief employment of Engliſh gardeners, whoſe time is amply paid for: in the months of May and June, it is repeated every week: at other ſeaſons fifteen days of reſt intervene. Their method of working is this: about ſun-ſet the gardeners roll the graſs with enormous cylinders of caſt iron; which are hollow, and four or five feet long, with about a foot diameter. The moving theſe cylinders, whilſt it levels the ground, flattens the blades of graſs, which the weight of the dew keeps in that ſituation. The new day, before the ſun diſpels the dew, and has put the graſs into a condition to raiſe itſelf again, they cut it down, taking it in a direction contrary to that which it received from the cylinders paſſing over it. Before the ſcythe has mowed the broadeſt walks, which the cylinder has been rolled over, they appear to the eye like large pieces of white and green mohair. Their verdure is the moſt beautiful in nature: at my departure from Paris the celebrated la Tour, a great connoiſſeur in colours, ſtrongly adviſed me to give attention to the vivid hue of this verdure, which is not ſo much owing to the operations I have been deſcribing, as to the goodneſs of the ſoil, and the abundance of the dews.

How agreeable ſoever theſe fine lawns of graſs may be to the eye, they are inconvenient and troubleſome to the feet. This we found by experience in walking through Windſor park, at eleven in the morning, in the month of May: finding no path, where we could tread without moiſtening our feet, we came away as wet, as if we had paſſed the whole morning in ſome marſhy ground. Even in the afternoon theſe fine lawns are ſcarce ever free from moiſture.

The little alleys or paths, which are the proper places to walk in, are ſecured from this inconvenience by the fine gravel already taken notice of: being rolled over and ſmoothed by the cylinder it has the level and conſiſtence of an excellent cement.

Amongſt the curioſities to be ſeen at Kew-gardens, we ſhould not forget a conſiderable collection of foreign plants of all ſorts; a quarter is aſſigned to it in the neighbourhood of the palace, which unites all the conveniencies neceſſary in a botanical garden.

Many of theſe plants or ſhrubs, that cannot bear the open air in France, and even in Italy, flouriſh in the Engliſh gardens, which owe this happy temperature to the ſea ſurrounding the iſland. The garden belonging to the princeſs dowager, that of the duke of Cumberland, Richmond park, and many others which reſemble them in the manner they are laid out, and in their plantations, have no buildings anſwerable to their magnificence: the gardens have ſwallowed up all the expence and attention of the proprietors.

Kew is almoſt joining to Richmond, where the king reſides in ſummer; and it has a communication with Brentford by means of a wooden bridge over the Thames.

Brentford is ſituated in a delightful country. The duke of Northumberland has there a palace and gardens: it was originally a nunnery which went by the name of Sion: the nuns, being baniſhed from England, went over to Portugal: there they built a monaſtery, where they ſtill keep the key of Sion, which they had carried over with them at the time of their exile. The earl of Holderneſſe, who joins to Engliſh ſolidity all the politeneſs of French behaviour; and ſome other noblemen, have their country ſeats in this neighbourhood, where art can ſcarce make any addition to nature.

Lord Temple completed the demonſtrations of kindneſs with which he honoured me during my ſtay in England, by giving me an invitation to paſs the month of July with him at his ſeat at Stow. This houſe, which was begun by lord Arlington, is, at preſent, the moſt magnificent and complete piece of architecture of the ſort in England. The greateſt elegance is diſplayed, as well in the outſide as in the ſpacious apartments of this fine houſe, round which you ſee a multitude of ſaloons, pavilions, grottoes, temples, and other buildings, all in different taſtes, and enriched with every ornament ſuited to each: amongſt theſe the moſt remarkable is the temple conſecrated to the Britiſh worthies.

Many Engliſh parks owe their principal beauty to the extent and grandeur of their proſpects.

Next to thoſe of Greenwich, Richmond, and Windſor, which unite all that a landſcape can offer, moſt ſpacious, moſt gay, and moſt varied, we ſhould place that of the preſent duke of Newcaſtle's ſeat near Weybridge.

Seated upon a conſiderable eminence, it commands the proſpect of an extenſive and beautiful plain on the banks of the river Thames. In the laſt century this eminence was very ſteep and bordered with a terraſs, which had coſt a prodigious ſum of money. The preſent proprietor began to fancy that a gentle declivity, would make the neareſt approach to nature. In conſequence of this notion the terraſs was demoliſhed, and turned into a ſlope, which is covered with perpetual verdure. The deſtruction of the terras, the digging and removing the earth,* muſt have been attended with infinite labour and expence.

By theſe expences, which may be compared to thoſe with which Horace reproached the Romans of his time, all the country adjacent to London

Sentit amorem
Feſtinantis heri.

Nothing, however, ſhews more than theſe expences the wealth and ſplendor of a nation, eſpecially when the ſeveral claſſes of the people have an equal right to ſuch fancies.

The meadow, commanded by the duke of Newcaſtle's ſeat, is laid out on the ſame plan as the ſlope leading to it. It is bordered by different ſorts of trees ſcattered irregularly without either order or ſymmetry; the bottom is planted with trees of unequal ſizes and of different ages, without the leaſt appearance of art, and which lead the eye to a foreſt of high trees terminating the proſpect. The whole and the parts of this beautiful ſcene ſeem to repreſent in large, upon a ground of the extent of the Tuileries, the original of the Elyſian fields, in the opera of Caſtor and Pollux, which I had ſeen at Paris juſt before my departure for London: beſides the advantage of ſize, the proſpect of Weybridge was heightened by that of a ſun, whoſe rays piercing through a ſky ſomewhat overcaſt, afforded a mild and gentle gleam of light, which ſeemed to participate of the freſhneſs of the dew, that was ſpread like a light varniſh over every part of this gaudy landſcape.

This taſte, which, at preſent, prevails among the Engliſh in the manner of laying out their parks and gardens, is that of the Chineſe, that is to ſay, the taſte which, like all thoſe of that eaſtern nation, has been eſtabliſhed amongſt them from the moſt remote antiquity. It appeared ridiculous, however, to the French Jeſuits, whoſe eyes were uſed to the ſymmetry and regular plans of the gardens belonging to the royal palaces of France. " The Chineſe, ſaid father le Comte, neither lay out their gardens with accuracy, nor embelliſh them with proper ornaments: they, notwithſtanding, take pleaſure in thoſe places, and ſpend vaſt ſums of money upon them. They form grottoes, raiſe little artificial hills, and tranſport rocks by peace-meal, which they heap upon each other: and all with no other view but that of imitating nature *.

The French would have been before-hand with the Engliſh in adopting the Chineſe taſte, if they had followed the plan laid down to them by the celebrated du Freſni.

" Du Freſni, ſays the author of his life, had a predominant taſte for the art of gardening; but the ideas which he had formed to himſelf concerning that art, had nothing in common with thoſe of the great men whom we formerly had, and ſtill have, in this way. He never worked with pleaſure, and, if I may be allowed the expreſſion, at his eaſe, except upon an unequal and irregular ground. He required obſtacles to ſurmount, and, when nature offered him none ſuch, he procured them himſelf: that is to ſay, of a ſpot of ground which was regular and flat, he made one full of riſings, in order, as he ſaid, to vary objects in multiplying them; and to prevent the effects of neighbouring proſpects, he oppoſed them with eminences, which, at the ſame time, formed delightful viſtas." They add that he arranged in this manner the gardens of Mignaux

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* Mem. of China, p. 336, of the firſt volume of the 1ſt Edit.

near Poiſſy, two gardens which belonged to him in the ſuburb of St. Anthony, one of which goes by the name of the Mill, the other by that of the Hollow Road; finally thoſe of the abbé Pajot near Vincennes. Upon this account, Lewis XIV. had granted him a brevet of comptroller of his gardens. He had preſented this prince with a plan for the gardens of Verſailles; and this plan in which he conſulted only his own fancy, was not approved of, on account of the enormous expence requiſite to carry it into execution.

Even upon a ſmooth and level ſurface, the Engliſh are fond of imitating the variety of nature. Such is the garden of Sir Richard Glynn at Chelſea, confined within a very narrow compaſs. The ſquare area or paterre, on one ſide of the bowling green, which forms the proſpect of the houſe, preſents to the eye a long gravel walk ſix feet wide, with two parallel alleys of three feet in breadth, covered over with ſhort graſs. Separated by ſhrubs and trees of various ſizes, they either ſkirt, or interſect each other at random. The great walk, of a ſerpentine form, is terminated by a myrtle buſh, which you muſt turn round to ſee the alley in front. This beautiful garden, which occupies but two acres of ground, might be a model for planting groves of the ſame extent in our gardens in France.

The dearneſs of the ground occupied by the parks, by the fields and gardens, where the inhabitants of London go to ſpend their Sundays, adds greatly to the aſtoniſhment ariſing from the great number of theſe pleaſurable reſorts. I ſhall here give the reader what I have been able to collect concerning the high price of land.

The beſt grounds which I had ſeen in my journey from Dover to London, are laid out in hop gardens, and let for four guineas per acre.

An acre of the marſhy grounds which ſupply London with garden-ſtuff, is ſaid to be let at fifteen guineas a year, and the rent will increaſe in proportion as London is enlarged.

At Chiſwick, a village about ſix miles from London, as we ſail up the Thames, half an acre occupied in part by a ſmall ruinous houſe, was let for fifteen guineas. This extreme dearneſs of land muſt have increaſed, and has in fact increaſed the encroachments of the proprietors upon the roads, whether public or private. If part of the road is unpaſſable to foot paſſengers, either on account of its narrowneſs, or for want of being kept in repair, the public has a right to pierce through the hedge of the adjoining eſtate, and to open a foot-way through it. This foot-path, which paſſengers are barely permitted to walk in by the proprietors, becomes public as ſoon as ever a funeral has been obliged to paſs that way: this is an overt-act of taking poſſeſſion on the part of the public: the proprietor can no longer forbid it; and if he ſhould afterwards have a deſire to wall his eſtate round, he cannot do it, otherwiſe than by placing the wall three feet from the road.

The wages of gardeners are in the like proportion. At the ſame village of Chiſwick, general Elliot laid out a park in the Engliſh taſte, which is now poſſeſſed by his widow. It contains three hundred acres, forming an oblong ſquare, at the front of which is a convenient houſe without magnificence; on the right is a very extenſive terras, cloſe to which the Thames rolls its ſilver ſtream *. On the left is an aviary, as remarkable for the beauty as variety of the birds (I never ſaw any Chineſe cocks elſewhere); a

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* Both above and below London bridge, this river affords the country it waters a conſtant and moſt delightful view of barges, wherries, and little boats. The proſpect is not ſilent; little veſſels, adorned with elegance and taſte, have frequently muſi-

park filled with deer; and a ſpacious field, in which twenty cows find excellent paſture, and whoſe good caſe commends their owner: this whole ground is irregularly planted with trees of all ſorts and ſizes. The middle preſents to the view a ſpacious lawn, laid out in the Engliſh manner, and terminated by a pond of an irregular form, with iſlands, rocks, and a grotto. The ſalary of the gardener for taking care of the garden, and the cows, &c. is three hundred guineas per annum.

Wages are proportionably dear for gardens of leſs extent. I have myſelf ſeen a ſpot of ground, not exceeding an acre, occupied partly by a ſmall houſe, partly by gravel walks, with two beds of flowers, where the gardener, who was lodged in the houſe, had a ſalary of twelve guineas a year.

The annual profit of the farmers is in the ſame proportion; tho' their buſineſs upon the whole is ſcarce ſo beneficial as that of the gardeners and farmers in France: yet their houſes are well furniſhed; they are well dreſſed, well fed; and notwithſtanding they buy every thing at a high price, they live in eaſe and affluence. This affluence they owe to the manner in which taxes are laid: lands alone are charged with them. The farmer pays neither tallage nor ſubſidy, nor that multiplicity of duties ſo odious in France on account of the manner of levying them: he knows nothing of *courvées* or ſubdelegates. He need be under no apprehenſion, that improvements of the land will prove hurtful to him: thoſe improvements, on the contrary are recompenſed by the Society for the Encouragement of Arts and Manufactures. It is to theſe fortunate huſbandmen that we may ſafely ſug-

cians aboard them; it is a received cuſtom upon the water, to attack each other with ſcoffs and ſcurrilous language, and he that is obliged to give over, is looked upon as vanquiſhed.

geſt the proper means of improvement. As they are in circumſtances to advance the money required for ſuch deſigns, they adopt them with eagerneſs, without being under any apprehenſion for futurity. Theſe eaſy circumſtances, it is true, render the Engliſh farmers proud, haughty, and inſolent: equal to the lord of the manor who ſolicits his vote at an election, and independent on the king, who, in his eye, is only a magiſtrate paid by the nation; he knows no authority but that of the laws, which he can elude by means of his money; but this affluence of the huſbandman is the moſt ſolid foundation of the flouriſhing condition of England.

The laws relative to hunting, which are rigorouſly obſerved, ſhelter its plains from thoſe devaſtations ſo common elſewhere, and which would be attended in England with conſequences the more dreadful, as hunting is publickly allowed upon all lands indiſcriminately, to every man who is poſſeſſed of 100 l. a year, except in encloſed parks and royal foreſts. But the fields are not open for hunting till the firſt of September: in the four preceding months the game is ſo undiſturbed, that when the hunting ſeaſon begins, the partridges of that year almoſt ſuffer themſelves to be caught by the hand. The prohibition extends to the lord of the manor himſelf with regard to his own lands. In fine, the poulterers in London, are forbid to ſell, or expoſe to ſale, any game except birds of paſſage. The two firſt kings of the Norman race, paſſionately fond of hunting, had compriſed the greateſt part of England in the ſphere of their diverſions: this was called *afforeſtare* in their laws, which ordained ſentence of death againſt thoſe who killed a deer, and exorbitant fines for a hare, or a rabbit: theſe oppreſſions cauſed the beſt lands to be neglected: Magna Charta reſtrained them, and they are at preſent confined within their juſt limits.

In that part of England which I travelled over, neither large nor ſmall cattle feed in herds: the ground cut and divided in encloſures does not allow of it: being left to themſelves the cattle graze both day and night in paſtures contiguous to each farm. By day-break, in the month of May, we ſaw the ſheep loaded with rich fleeces iſſuing forth from the buſhes in which they had paſſed the night, dreſſing themſelves, and beginning their breakfaſt. Thus the ſpirit of freedom, which is ſo general in England extends even to the dumb creation.

For this they are indebted to the care of the Saxon kings in delivering the iſland from wolves. This pernicious race has not, however, been totally deſtroyed. Thoſe which eſcaped the general maſſacre, have taken refuge in the moſt rugged tracts of the highlands of Scotland: from thence they ſometimes deſcend; but theſe are only random excurſions of a party quite broke down by their defeat: their ſituation is exactly the ſame with that of thoſe Indios bravos, who took refuge in the mountains of Spaniſh America.

The Engliſh, at preſent, hunt down animals whoſe defeat is leſs glorious, but which are no leſs deſtructive in another way: for this purpoſe they have recourſe to the ſame means which were made uſe of to deſtroy the wolves; that is to ſay, rewards are given to thoſe who make it their buſineſs to deſtroy them, and money is paid for a number of heads of the proſcribed race. Theſe are the ſparrows, each of which is ſaid to conſume a buſhel of corn upon a year's ſubſiſtence: thus 2000 ſparrows leſs will give 125 ſeptiers * of corn more in a year's harveſt, without

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* A ſeptier is twelve buſhels.

reckoning what their progeny would have conſumed. Happy the nation whoſe governors know how to deſcend to particulars, in all appearance ſo trivial and of ſo little importance!

LAWS.

The Engliſh cuſtoms, which Mr. Howard has lately publiſhed in French, carry with them an indication of the ſource from whence they are derived, that is to ſay, from the law eſtabliſhed in Normandy by Rollo, when the ſovereignty of that province was conferred upon him.

That this law was the ſame with that which Rollo found eſtabliſhed in Normandy, is merely a queſtion of curioſity, and which we might be induced, by ſeveral reaſons, to determine in the negative.

1. Whilſt Charlemagne was emperor, a century before Rollo, the feudal law, its principles, its maxims and conſequences were as little known as in the reign of Auguſtus.

2. The feudal law was the ancient law of the Danes. That law was ſecurely depoſited if not in books at leaſt in the cuſtoms, the tradition and the memory of men, who were the more able to preſerve and tranſmit it, as it was reduced to a ſmall number of articles, eaſy to combine and to transfer from one country to another.

3. This law was admirably adapted to a government purely military. Now, ſuch was the Daniſh government, ſuch was that of Rollo, and ſuch was that of the Normans who conquered England and the two Sicilies. Europe owed to the ſupport which the military government and the feudal law reciprocally lent each other, the ſervitude which degraded humanity, and left it no other liberty but that ſpe-

cies of idleneſs which conſtantly attends the profeſſion of arms.

4. Rollo had given Normandy new laws, the preſervation of which he ſtipulated when he cauſed his ſon William to be crowned: *legibus & ſtatutis noſtris auxiliabitur.*

5. Theſe new laws were unknown to Neuſtria under the Merovingian government. In fact, they eſtabliſhed the feudal law in its utmoſt rigour with regard to younger brothers and daughters, in hereditary ſucceſſions, and all the diſpoſitions by which poſſeſſions are regulated. Now it appears evidently from the formularies of Marculf, that under the firſt race the ſeverity of the ſalic law was already mitigated with regard to younger brothers and daughters. As to what concerns the Lombard law, by which the two Sicilies were governed, before the Normans had conquered thoſe countries, it admitted all the heirs male to equal ſhares of the eſtate even in noble ſucceſſions *.

6. The new law, being made common to Normandy and the kingdom of two Sicilies, is a monument ſo little to be doubted of the Norman conqueſt, that the capital articles of the Neapolitan conſtitutions and of the cuſtoms of Normandy are explained by each other in the commentaries of the Neapolitan and Norman civilians.

From all theſe facts we may juſtly infer that the ancient Norman law, the Engliſh cuſtoms, and the Neapolitan conſtitutions contain the primitive ſource of the feudal law, and even of our common law with regard to the regulations which it has borrowed from them; and this is ſufficient to inſure Mr. Howard's work that tribute of gratitude which the French civilians owe it. The Neapolitan cuſtoms, conſidered and treated in the ſame point of view, would be productive of the ſame conſequences and the ſame lights with regard to the ſources of the civil law of France.

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* Giannone, Lib. I. p. 559.

England is, to this day, governed by the Norman law; but every thing there diſcovers the general wiſh of the nation for liberty, which is cruſhed by that law.

The ſucceſſions, whether of the commons or of the nobility, are equally ſhared with regard to moveable effects between the children of both ſexes. The eldeſt ſon, who is always preferred to the daughters in every ſtate of inheritance, ſucceeds to all the immoveables, except in the caſe in which the father diſinherits him, and chuſes an heir amongſt the younger ſons.

Entails without end have long taken place in England; but at preſent, except in ſome particular caſes, all entails are reduced to two degrees. They are made by ſingle acts, but generally ſpeaking by marriage contracts, the huſband entailing his eſtate on the eldeſt ſon; and the wife her portion, which generally conſiſts of moveables, on the younger children. By a piece of condeſcenſion of the three laſt chancellors the court of equity farther abridges the term fixed for theſe diſpoſitions. A father burthened with the entail appears before the lord chancellor with a ſon one and twenty years of age, which is the term of minority; and the ſon declaring his conſent that the effect of the entail which has fallen to him ſhould ceaſe for the preſent, a deed, ſignifying this conſent, is delivered to the father, who, from that moment, may uſe the entailed eſtate as he thinks proper, juſt as if the entail had never taken place; and the eſtate again comes into commerce. In fact, ſay the Engliſh, of what conſequence is it that poſſeſſions ſhould be rendered perpetual amongſt the deſcendants of an individual, too often enriched at the expence of the public? Theſe poſſeſſions by the power of entering again into commerce, will ſerve as a ſpur to the induſtry of new families, which, even whilſt they ruin themſelves, will contribute to the welfare of the ſtate: he that is only an uſufructuary, is a ſtranger to the extraordinary expences, augmentations, and improvements which property alone can give riſe to.

No other remedy has been found except in reducing entails to three degrees: they attained their ends, if, by excluding from theſe diſpoſitions the landed eſtates which are the chief objects of them, they had been confined to contracts and moveable effects, the ſquandering of which is politically uſeful, and reſtores to ſociety what it had been deprived of. So Ariſtotle thought upon this ſubject: he, in his Politics cenſures the precautions taken by the legiſlator of the Locrians to perpetuate in families the property of landed eſtates; precautions, ſays he, which end in nothing but in making both the poſſeſſors and heirs to eſtates lead idle lives.

Views relative to money, have, in France, got the better of political conſiderations. The regiſter fees with which entails are charged form an important object; and the farmer of the domain holds for the different claſſes or degrees of which theſe diſpoſitions are ſuſceptible, an account as extenſive as the titles of the Code and the Digeſt which regulated them. But the loſs which the farmer would ſuffer by the ſuppreſſion of entails, would be abundantly compenſated by the perquiſites, which would take riſe to his advantage, from the frequent mutations of property in eſtates diſengaged from entails and reſtored to commerce.

It is with reſpect to wardſhips, that England has retained the moſt galling weight of the ancient feudal ſlavery. The king and the proprietors of great lordſhips are the natural guardians of all minors, to whom any eſtate held under them happens to devolve: this eſtate comes into their hands, and they have the full uſe of it, till their wards are of age, they are bound to find them nothing out of the revenue of theſe eſtates but ſubſiſtence. Theſe wardſhips make part of the crown revenues and of the emoluments of great fiefs: they are bought and ſold, and the king, generally ſpeaking, gratifies his favourites with them: by means of this arrangement the ward is made for the guardian*. At the time of the reſtoration of Charles II. this right was carried ſo far as to give the wards in marriage at the pleaſure of the guardians; and rich heireſſes were ſold, in ſome meaſure, by auction. Wardſhips ſtill make the department of a particular court: the lord chancellor is, in the king's name, the general guardian of every ward poſſeſſed of a fief which holds from the crown, that is to ſay, of all nobles who have the misfortune to be minors: hence the neglected education which thoſe nobles receive; an education which has a neceſſary influence on the general manners of a nation.

The community of goods between man and wife is as literally proſcribed by the common law of England as by the Norman cuſtoms; and this proſcription is the reſult and neceſſary conſequence of the laws by which ſucceſſions were regulated.

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[*] The court of wards and liveries was aboliſhed immediately after the Reſtoration, and in lieu of it a revenue of 100,000 l. ſettled upon the king. T.

The Engliſh value themſelves highly upon this double regulation: they conſider it as the foundation of the authority, which they are poſſeſſed of, or which they think themſelves poſſeſſed of, in their families. Seeing themſelves abſolute maſters of the fortunes, and all the property, either moveables, or immoveables, of their wives, who loſe their very names when they ſubmit to the matrimonial yoke; and being ſecure in caſe of ſurvival, of an advantage equal to the dowry, they cannot conceive how by means of the ſtipulations expreſſed in our contracts of marriage, a wife can have a right to ruin her huſband, without riſking any thing of her own: they cannot conceive how by renouncing a community of goods † in which ſhe was injudiciouſly admitted, a wife carries off by way of reſumption, jewels, jointure, dowry, and all that may have eſcaped her pride, her folly, and extravagance. What! ſay they, an unfortunate huſband bound and ſhackled by a multiplicity of clauſes ſuperadded to the law, ſhall be totally ruined if he becomes a widower in the firſt years of his marriage; he is more ſure of being ſo twenty or thirty years after; in a word, his children ſhall be reduced to beggary, whenever they loſe their father! What anſwer can a Frenchman make? He finds himſelf reduced, in order to defend the wiſdom of the laws of his country, to make it appear that theſe deſtructive regulations have no foundation in the law, which by means of the community of goods, attempted to eſtabliſh a perfect equality as the baſis of the conjugal union, in order to ſtrengthen in women that ſpirit of œconomy to which they are inclined by nature, making them accountable for all that they ſhould ſpend or cauſe to be ſpent indiſcreetly. A Frenchman may likewiſe add that as ſo manifeſt a violation of the law can find no remedy in the law itſelf, it has been judged expedient to aſſiſt the huſband by feoffments in truſt, that is to ſay, by new violations of the law: violations which worthy caſuiſts, who neither know the principles nor the conſequences of them, authoriſe by their deciſions, but which thoſe at the head of legiſlation will at laſt put a ſtop to, by reſtraining ſtipulations as contrary to the ſpirit of the law, as deſtructive to population, to private families, and to public manners.

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† The loſs of her dowry ſhould at leaſt be the puniſhment of every wife, who, renouncing the community of goods, could not prove that the deficiency of them is entirely owing to the huſband. In the preſent ſtate of affairs, the community of goods is a leonine ſociety, in which one of the aſſociates ſhares the gains without participating the loſſes.

The ſeverity of the Engliſh laws towards daughters, in the article of ſucceſſions, is the firſt cauſe of the union which generally ſubſiſts between married people: 'tis thereby that a wife is in fact in the power of her huſband *. The contrary is obſerved in marriages occaſioned by the wealth of heireſſes: in theſe unions the huſband is either the tyrant of a ſeduced wife, or the firſt ſlave of an imperious miſtreſs, who makes him purchaſe the hopes of a donation or a legacy by ſervile ſubmiſſion: for whilſt they exclude the community of goods, the laws of England have no motive for forbidding thoſe joined by marriage from doing good offices to each other. According to theſe laws every child is reputed to be-

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* The laws of England conſider the wife as ſubject in ſuch a manner to her huſband, that if they commit any crime in concert, the wife is neither involved in the puniſhment, nor in the accuſation? ſhe is ſuppoſed to have acted neceſſarily, through the unlimited obedience which ſhe owes to her huſband. Upon the ſame principle, the huſband is anſwerable for the outrages which his wife has been guilty of, either in word or deed: recourſe is had to him alone for reparation.

long to his father, if that father was within the four ſeas at the time of conception.

Teſtamentary diſpoſitions, originally odious in England, were ſubjected to forms as conſtraining and troubleſome as they were numerous. Liberty extending itſelf to goods and perſons, has rendered wills very common by lightening the ſhackles which the ancient forms had given them. I have already ſpoken of one of theſe old forms which ſubſiſts to this day. The executor and the heirs are bound to avouch the will, upon pain of its becoming null and void, before the eccleſiaſtical judge, who is the proper perſon to take cogniſance of all the diſputes which may ſpring from the act ſo avouched; if theſe diſputes turn only upon moveables or perſonal eſtate, it is the ſame judge who divides the moveables amongſt the heirs. Appeals from his deciſions in all theſe caſes are laid before a committee of parliament, conſiſting of half temporal and half ſpiritual lords.

This practice was obſerved in France in thoſe barbarous ages, when all acts were paſſ'd by apoſtolical notaries, under the ſeal of the eccleſiaſtical judge, whoſe juriſdiction they applied to. In concerns of mere intereſt, the ſentences of that juriſdiction were, for a long time, liable to be executed upon pain of excommunication, a puniſhment which had great efficacy before multiplied abuſes brought it into diſcredit. It muſt be acknowledged ſurpriſing, that the royal authority has not, by means of religious revolutions, reſumed in England that part of its prerogative [*], which it has long ſince taken full poſſeſſion of in France. Its negligence, in this reſpect, is the more aſtoniſhing, as the eccleſiaſtical courts of England conſider and reject as foreign all the laws which, by rendering the forms ſimple, have laid a reſtraint on quibble and chicanery: their manner of proceeding, as tedious as it is expenſive, is, to this day, the ſame which they followed during the barbariſm of the middle age, when both in France and England the reign of ancient Druidiſm was revived [*]; an age in which, to uſe the terms of Froiſſart [†], temporal lords knew nothing, and would have been no better than brutes, if it had not been for the clergy.

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[*] It has been ſatisfied with marking the limits of the two powers by the ſtatute of *præmunire*, which was made in the reign of

England has ſtill ſome remains of Druidiſm, having no eſtabliſhment of any ſort to aſcertain the exiſtence of acts and their dates: it has not ſo much as legal and authentic regiſters for births, marriages, and deaths: I have elſewhere obſerved that their ſailors are not regiſtered. The eſtabliſhment of theſe regiſters often propoſed in parliament, has been as conſtantly rejected as a violation of national liberty.

Richard II. § and that law which had been levelled at the clergy, became the ſafeguard of its juriſdiction and authority, and is ſtill ſo to this day.

[*] *De omnibus ferè controverſiis publicis privatiſque conſtituunt Druides. Si quod admiſſum eſt facinus, ſi cædes facta, ſi de hereditate, ſi de fructibus controverſia eſt, iidem decernunt, præmia pænaſque conſtituunt. Si quis aut privatus aut publicus eorum decreto non ſtetit, ſacrificiis interdicunt: hæc pæna apud eos eſt graviſſima.* Cæſar. de Bello Gallico. Lib. VI. The Druids decide almoſt all conteſts both of a public and private nature. If any great crime is committed, if a perſon is killed, if there is any diſpute concerning an inheritance, or concerning a revenue, they likewiſe decide it, and decree both the rewards and puniſhments. If any private perſon, or any perſon inveſted with a public office, does not abide by their deciſion, he is forbid to aſſiſt at the ſacrifice: this amongſt them is one of the moſt ſevere puniſhments.

[†] Vol. ii. p. 173.

§ The ſtatute of Præmunire was only renewed under Richard II. it had been originally enacted in 1343, under Edward III. T.

CIVIL JURISPRUDENCE.

The method of proceeding of civil tribunals appears, in its preſent ſtate, to be reduced to a ſimplicity which ſhould render it as cheap as expeditious; law-ſuits are, notwithſtanding, as well in England as elſewhere, exceeding tedious, and often prove the ruin of both parties. The Engliſh do not ſeem to deſire the ſummary and expeditious form eſtabliſhed in deſpotic ſtates: they look upon their method of adminiſtering juſtice as one of the grand advantages of liberty.

All affairs are judged upon the ſpot in the firſt inſtance: thoſe of London, at the courts in Weſtminſter-hall; thoſe of the counties by the judges, who at ſtated times go the circuits. Upon hearing of counſel, and examining witneſſes, on both ſides, they decide cauſes, and there lies an appeal from their determinations to the houſe of lords.

All cauſes in the firſt inſtance, whether in Weſtminſter-hall, at the county aſſizes, or the high court of chancery *, are judged upon the hearing, and never upon report; this circumſtance, whilſt it ſeems to encreaſe the labour of the judges, diminiſhes it in fact. They ſee every thing themſelves, they hear the parties, all circumſtances are laid open and debated before them: they do not ſee with the eyes of ſecretaries. I have already ſaid that the lawyers, in order not to encroach upon the time and attention of the judges, lay before the court nothing more than the point of law, or the fact, which is the ſubject of diſpute.

Appeals are made to the houſe of lords by briefs or memorials. Each party gives in three: the firſt

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* This is a miſtake in regard to the court of chancery, where cauſes are tried from the depoſitions of perſons examined out of court. T.

in which it lays open its pretenſions and proofs; a ſecond anſwers thoſe of the other ſide of the queſtion; with regard to the third, each of the parties depoſits his with the clerk of the houſe, at the ſame hour, and it ſhould contain, as there are no hopes of making any farther application, whatever they can alledge either by way of attack or defence. Their memorials being finiſhed, they wait in ſilence the judgment, which after the laſt pleading is to be pronounced on the three following days.

Theſe memorials contain three or four ſheets of large paper, written in a fine running-hand. The back of theſe leaves is in a contrary direction to the front, the bottom of the preceding page making the beginning of the next.

The appeals are decided in the upper houſe by the peers, aſſiſted by the lord chancellor All the peers have a ſeat and vote at theſe judgments; but the preſence of three peers is ſufficient to render them legal: in whatever number they happen to aſſiſt, they generally accede to the opinion of the lord chancellor.

CRIMINAL JURISPRUDENCE.

Under the government of the clergy, France quitted its ancient form of proceeding in criminal cauſes, and adopted that which the popes had introduced in the courts of inquiſition, and which the ordinance of 1670 has preſerved in many of its parts. Hence the ſecret manner of drawing up a proceſs amongſt us, the aſcertaining of the offence by the judge when the party accuſed is not preſent, the oath which the culprit is obliged to make with regard to the ſeveral acts that are performed in his preſence, in fine, the torture, with a variety of artifices to extort confeſſion, which ſeem to turn the whole force of the proceſs againſt the perſon accuſed.

The Engliſh, notwithſtanding their being ſo long enſlaved by prieſts, have conſtantly retained the ancient forms which they make uſe of to this day, and which are all favourable to the perſon accuſed.

1. His perſon is at liberty upon giving bail *. Our old criminal juriſprudence granted the ſame indulgence. We meet with a multiplicity of examples of this in the ancient records, and particularly in that of Champagne, which was removed from the Colbert library to the king's, with the title of *Liber Principum*, I ſhall give here one of the examples which occur in that book. In 1267, Henry de Hans, knight, being impriſoned at Provins, for an offence againſt Thibault, count of Champagne, was enlarged during four months, upon bail given by the count of Roucy, the count of Soiſſons, and d' Anceau de Garlande, who, after having made affidavit before a royal commiſſary, bound themſelves by a ſeparate act, " to produce the ſaid lord Henry on Lady-day in September, in the condition in which he was at the king's priſon at Provins; and if the ſaid Henry did not return, to impriſon in his room a knight worth ſix hundred livres a year, in a fortnight after they ſhould be ſummoned †.

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* Except in capital caſes. T.

† Theſe acts like moſt of thoſe which came from count Thibault, or which were paſſed in his dominions, are in French: the Latin language was then the moſt uſual, even in the court of chancery of our kings. The French language is indebted to count Thibalt for the improvement which it made in the 13th century. By his ſongs, he put it into the mouths of the polite company of that age: by his acts, he introduced it into public deeds and inſtruments: by the judgments of his courts, iſſued and publiſhed in French, he procured to it the honour of becoming the organ of the laws: in a word, our two earlieſt French hiſtorians, Villehardouin and Joinville, acquired at the court of Champagne, that taſte for their mother-tongue, which appears in their writings.

2. The offence is not aſcertained by an act of the judge himſelf; it is eſtabliſhed by the judgment of a jury.

3. The perſon accuſed can challenge twelve jurymen out of four and twenty; and all this naturally, ſimply, and without giving any reaſon for ſo doing.

4. If at the aſſizes no body appears againſt him, he is diſcharged, notwithſtanding the ſtrongeſt preſumptions of his guilt.

5. He cannot be condemned till he has been declared guilty by twelve reputable men of ſufficient freehold; and the judgment of theſe reputable men, which is called the judgment of the people and of God, muſt be unanimous either for acquitting or condemning him.

6. After having been found guilty he may plead benefit of the clergy, of which I have ſpoken already. I ſhall add to what I have ſaid on the ſubject, that the guilty perſon who is cleared in virtue of this privilege, is burnt in the hand with a red-hot iron which has on it the letter T or M and that he cannot plead this benefit twice.

7. The accuſed is allowed counſel, but that counſel is forbid to meddle with or enter into any diſcuſſion of the fact; his buſineſs is only to ſpeak to the point of law: the moſt idle and ridiculous quibbling is here admitted. A man had been brought to a trial for having married three wives: he was found guilty by the jury, and the judge was going to pronounce the uſual ſentence in caſes of bigamy. His counſel maintained that the law which had been enacted againſt thoſe who had married two wives, could be of no effect againſt ſuch as had married three; this obſervation being attended to, the man was acquitted. The ſeſſions papers, containing the trials of criminals, which are printed regularly, with the defence

of the accuſed and the charge of the accuſer, preſent us with a thouſand examples of ſuch evaſive ſubterfuges.

8. The perſon accuſed is allowed to call witneſſes to his innocence, and every circumſtance that can be alledged in his favour is admitted.

9. The whole juridical procedure paſſes in public: the only written inſtrument made uſe of upon the occaſion is the indictment: the reſt of the proceſs is conducted by word of mouth, between the culprit, the judge, and the jury.

10. The oath of the perſon accuſed is not required; that formality is confined to the witneſſes and the jury. The courts ſet up by Cromwell had extended the oath to the accuſed; but this cuſtom ceaſed with the uſurpation.

11. A culprit when acquitted, may bring an action for damages againſt the proſecutor.

12. In fine, the charges to juries are made in theſe terms by the judge: "the point is to reſtore a citizen to his liberty." Even ſentence of death is pronounced in the language of mildneſs and humanity: "You have been brought to a trial, ſays the judge to the culprit, you have denied the fact of which you were accuſed, and you have put yourſelf upon your trial by God and your country, by whom you are found guilty. The ſentence of the law therefore, is, that you are to go from hence to the place from whence you came, and thence to the place of execution, where you are to be hanged * by the neck till you are dead, and God have mercy upon your ſoul."

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* This is the puniſhment inflicted in England upon thoſe who are guilty of common robberies, upon highwaymen, upon murderers, upon parricides, and for all crimes which do not attack the government, nor the perſon of the ſovereign. About the year 1755, the parliament added to the puniſhment of murderers, that they ſhould be executed at fartheſt the day after ſentence was pronounced againſt them (doubtleſs with a view of depriving them

The trial by juries, which is called a trial by God and the country, borders upon the forms of proceeding eſtabliſhed by the Northern nations in moſt countries of Europe: it was one of the proofs known by the appellation of *purgatio vulgaris:* the proofs by iron and by fire, and combats in encloſed liſts, made a part of this purgation, which the Engliſh have reduced to what is moſt reaſonable in it.

The courts of inquiſition had likewiſe adopted it, and have retained it, but in the moſt unreaſonable manner: they have recourſe to it only to charge the accuſed, againſt whom there is not ſufficient proof. Twelve perſons are named, who muſt aſſert their innocence by oath: if out of theſe twelve perſons three refuſe to bear teſtimony to the innocence of the perſon accuſed, he is again thrown into a dungeon, judged and condemned, as one attainted and convicted [*].

The Engliſh forms of procedure have an aim diametrically oppoſite to this: there every circumſtance tends to the acquittal of the priſoner, in conformity to the voice of nature which cries out: "rather ſave twenty guilty perſons, than put one innocent man to death [†]." However, as there is nothing that is not liable to be abuſed by fanaticiſm, how many innocent perſons have thoſe forms led to the ſcaffold in the heat of revolutions occaſioned by religion! James II.

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of all hopes of pardon), and that after their execution, their bodies ſhould be delivered to the ſurgeons, to be publicly diſſected. The earl of Ferrers was one of thoſe upon whom this puniſhment was inflicted.

[*] See Hoffman Lexic.

[†] *Valeant omnia ad ſalutem innocentium,* ſaid Cicero, *ad opem innocentium, ad auxilium calamitoſorum; in periculum verò & perniciem repudientur.* All circumſtances ſhould be turned to the preſervation of the innocent, to the aſſiſtance of the unfortunate; but every thing that contributes to his danger and prejudice ſhould be avoided. Machiavel on the contrary affirmed, that "the exceſs of ſeverity falls only upon a few individuals; but an exceſs of compaſſion expoſes all the innocent to thoſe violences which the law ought to prevent."

abuſed them by means of Jefferies the chancellor, whom king William's apologiſts repreſent as a hired executioner. The earl of Bedford's ſon had been one of his unhappy victims. In the midſt of the revolt of his whole kingdom, the imprudent monarch aſking the advice of this unfortunate father: "I had formerly a ſon, replied that nobleman; he might have given you the advice which you aſk of me, and carry it into execution."

I with ſurpriſe attended a trial at the court of King's Bench. The jurymen, who were placed upon a kind of amphitheatre, where they could ſee and hear every thing, ſeemed to conſiſt entirely of artificers and tradeſmen. As ſoon as they were ſeated, one of the judges addreſſed himſelf to them in a long diſcourſe, in which he obſerved, that the law which called them to ſit in judgment upon their peers, had its origin in ages, when frankneſs, integrity, and ſimplicity, reigned in conjunction with ignorance: that confidence in thoſe happy qualities had offered the legiſlators a reſource neceſſary at that time: that men having been afterwards farther enlightened, the law had notwithſtanding been continued, from a preſumption that the paſſions would reſpect the moſt auguſt uſe that men could make of their underſtanding, in becoming arbiters of the life and death of their fellow-creatures: that though the times had changed, the motive of the law was ſtill the ſame, &c. This diſcourſe concluded with a recommendation to the jury to join, in diſcharging their preſent duty, the ſimplicity, frankneſs, and integrity of their anceſtors to the knowledge which had been obtained in the following ages; in a word, by means of theſe great helps to ſuppreſs all undue pity, and the ſeveral emotions which the paſſions are capable of exciting.

The priſoner was thereupon brought to the bar. After the ſame judge had made a ſpeech to him, the witneſſes appeared, and took an oath, holding their hands upon a New Teſtament which ſtood upon the bar. The culprit excepted againſt ſome witneſſes, who retired. Upon the depoſition of each fact made by any of the witneſſes at the trial, the priſoner interrogated him, denied the fact, or explained it; and the witneſs either perſiſted in it, or added ſome circumſtance to aggravate or diminiſh the charge. During theſe debates the judge and the jury, queſtioning the witneſſes and the priſoner whenever they ſaw occaſion, took notes of the whole proceedings. Each witneſs being thus re-examined and confronted by this ſole act and without judicial writing, and the culprit having retired, the judge in a ſpeech ſummed up to the jury the whole charge, and the reſult of the depoſitions. He then quitted his ſeat and the jury went out of court into an apartment adjoining, where they are ſhut up without bread or water, till the judge having received notice from them to return to his bench, hears their unanimous opinion concerning the innocence or guilt of the priſoner.

The jury are not always directed by motives of honour and conſcience. The law ordains the moſt ſevere puniſhments againſt thoſe who knowingly prevaricate in that ſolemn office. They are declared outlaws, that is to ſay, incapable of all protection from the king or the law, infamous, unworthy of credit, diveſted of all the rights and incapacitated for all the duties of a citizen. Their goods are confiſcated, their houſes pulled down, their meadows dug, their trees rooted up, and their bodies confined in perpetual impriſonment. The ſame puniſhments are by the law in-

inflicted on falſe witneſſes and thoſe who bring calumnious accuſations of capital crimes.

Judges and juries are not well agreed with regard to the duties of their office. The judge maintains that the proceſs is made out by him in the preſence of the jury, whom he inſtructs how to form a deciſion of the cauſe, when he ſums up the evidence and gives his charge. The juries, on the contrary, maintain that the whole procedure in all its branches is referred to them; that the judge aſſiſts merely that his preſence may awe the witneſſes and the priſoner with reſpect, and to aſſiſt the jury by his experience and knowledge of the law. This competition, and the rivalſhip which it occaſions, rendering both judges and juries equally alert, put the law in the place of man: it is that which conducts the proceſs and decides the cauſe. Man, on the contrary, ſupplies the place of the law in thoſe countries which have borrowed their criminal forms from the pope's decretals: he is maſter of thoſe forms and of the various terms which they are ſuſceptible of, either in charging or clearing the criminals: theſe he has the more at his diſpoſal, as the procedure is ſecret, and all the acts and inſtruments are at his diſcretion.

The trial of an Engliſh peer is the moſt auguſt act of criminal juſtice. I had the ſatisfaction of aſſiſting at an act of this ſort: juſtice there appears ſurrounded with all the external pomp, which elſewhere accompanies the moſt ſolemn acts of religion.

Weſtminſter-hall is the ſcene of theſe auguſt acts. This is a ſpacious ſaloon, longer than the great hall of the *palais* at Paris, and which appears ſtill more ſo, as it is not divided like the laſt into two walks. It is all wainſcoted *, and this wainſcot exhibits the boldneſs and lightneſs of ancient Gothic ſtructures. It is the ſole remains of the ancient palace of Weſtminſter, which was built by the firſt Norman kings, and burnt down in the reign of Henry VIII. This hall, which is far from being dark, admits the day-light only by great caſements placed in the roof *.

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* All this wainſcot, covered over with Gothic ſculptures, is of that fine ſort of wood which in time aſſumes a yellow hue, and which neither duſt nor ſpiders can ſtick to. The wainſcoting of

The trial of lord Byron for killing Mr. Chaworth in a duel †, was ordered, in conſequence of the coroner's inqueſt, by which he had been found guilty of murder; he was therefore ſummoned by the king to make his appearance, in order to be tried by his peers, in Weſtminſter-hall.

The houſe of lords gave orders that all the abſent peers ſhould be cited to aſſiſt at the trial, that the royal family ſhould be invited to it; that the lord chamberlain ſhould cauſe Weſtminſter-hall to be fitted up in the uſual manner; and that the king ſhould be requeſted to fix the 16th of April for the opening of the court, and to name a lord high ſteward to ſuperintend the trial.

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of moſt of our ancient cathedrals is of that ſame ſort of wood which is thought to be the cheſnut-tree. I notwithſtanding heard one of our firſt-rate naturaliſts affirm, that this wood is nothing elſe but the oak; a tree formerly very common in our foreſts, when it was in ſuch a manner neglected, that it had time to arrive at its full growth, by extending its branches at the expence of whatever ſurrounded it. This hypotheſis appears to be much more probable than a ſuppoſition that all our foreſts were originally compoſed of cheſnut trees; that is to ſay, of trees of a nature foreign to our climate, in which they cannot thrive without a continued culture. See the Encyclopedia, at the word *Chataignier*, Cheſnut-tree.

* This hall was pitched upon for the ſcene of the famous gunpowder-plot, which, though perhaps imaginary, produced a real effect in determining the irreſolute temper of James I. againſt the Roman Catholics. I have ſeen the entrance of the cellar in which the mine of powder was ſaid to be laid.

† This duel was fought at night, in a tavern at Pall-Mall, by the dim light of a bit of candle.

In conſequence of this reſolution, the nobleman accuſed was put under arreſt by the gentleman uſher of the black rod, and ſent priſoner to the Tower of London; witneſſes were cited, and all the peers ſummoned to attend: the king appointed the 16th of April for the day on which the trial was to commence, and created the lord chancellor lord high ſteward.

This tribunal filled the whole extent of Weſtminſter-hall. The bottom was taken up by two great boxes intended for the royal family and foreign miniſters. Before theſe boxes ſtood the king's throne with a canopy over it. Two thirds of the hall were occupied on both ſides by an amphitheatre, divided into ſix rows. The area of that amphitheatre was the place where the lord high ſteward was ſeated at the foot of the throne, and of the lords ſpiritual and temporal. The part of the hall which faced the throne, being ſomewhat raiſed and ſeparated by a bar from the peers encloſure, was the place where the accuſed lord was to make his appearance. At the lower part of this bar were placed two benches ſeparated by a rail from the peer's encloſure. One was intended for the attorney and ſollicitor-general, who were to manage the proſecution; the other for the family of the nobleman accuſed, and for his own attorney. Farther within the bar the clerk ſat at a table, with all the papers relative to the proceſs.

The hall, the throne, the benches, the bar itſelf, and all the parts of this pompous decoration were covered with crimſon cloth. The expence of this decoration was eſtimated at five thouſand pounds. The lord chamberlain, who had the direction of it, diſperſed amongſt the public four thouſand tickets, adorned with the arms of that nobleman, for as many ſpectators. Each of theſe tickets had three different co-

colours, to denote the three different ſittings which the trial was to take up.

The court was opened on the 16th of April at ſeven o'clock in the morning. It would be hard to conceive a more brilliant meeting. It contained all the chief ladies of quality in the three kingdoms, part of whom were come up to London to accompany their huſbands or relations attending in parliament, and the remainder to be preſent at this important trial: none of thoſe ladies had neglected her attire, or forgot her jewels.

It was in this hall, and in the midſt of ſuch a concourſe of ſpectators, that the trial of the unfortunate Charles I. was opened on the 20th of January 1649, Contemporary hiſtorians inform us, that the king being brought thither, the clerk of the court read the bill of indictment, which was laid againſt that prince in the name of the people of England, when lady Fairfax *, wife to the general of the parliamentary troops, roſe up and interrupted the clerk, crying out with a loud voice and great warmth, "They are lyars: the tenth part of the people of England is not concerned in this parricide: 'tis the work of the traitor Cromwell yonder." Cromwell bore this violent reproach without diſcovering the leaſt emotion, and the proceedings of the court went on.

At the trial of lord Byron, the amphitheatre being filled without the leaſt confuſion †, the peers who

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* That general, who was named amongſt the firſt commiſſioners, aſſiſted at none of theſe meetings.

† Many curious perſons made an effort to enter the hall, but the guards were inexorable in excluding all who came without tickets. At the ſecond ſitting, tickets were publicly ſold for ſix guineas a piece, and they found purchaſers. At the trial of lord Ferrers, a curious perſon who had not been able to procure admittance, got upon the leads, and fixed himſelf at one of the

had aſſembled in their houſe, entered the hall to the number of about 250 [*]. They walked two and two dreſſed uniformly in long red robes faced with ermine: this proceſſion was terminated by the king's two brothers, by the judges and the lord high ſteward, who held in his hand a long white rod: this is the badge of his dignity: he continued to hold it during the two ſittings. The lord chamberlain, with a rod of the ſame ſort, but ſomewhat ſhorter, performed the office of maſter of the ceremonies. The lord high ſteward placed himſelf at the foot of the throne upon a wool-pack, the judges ſeated themſelves upon ſacks of the ſame ſort within hearing of the lord high ſteward, and the lords took their places upon benches placed on the right and the left ſide of the bar.

Upon entering the court to take their places, as well as in their return to the houſe, each pair of theſe noblemen in paſſing by the throne, ſtopped, bowed, and with their hats ſaluted the royal majeſty, ſuppoſed to reſide there, though the king was not preſent. The uniformity of dreſs in theſe noblemen did not extend to the head. Some of them wore their hair round, others long, ſome in bags, others ſimply tied behind. There was as little uniformity

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windows in the roof, which give light to the hall upon the right ſide of the throne. Whilſt he was making an effort to ſee, an iron rod upon which he leaned, broke, and he fell from a height of above forty feet upon the ſpectators, who filled the rows placed under the ſky-light. It ſeems to be a ſort of a miracle that nobody was either killed or wounded, and the curious gentleman occupied, during the remainder of the trial, the place he had obtained with ſo much hazard.

[*] At preſent they are computed at 235; three of the royal family, twenty-three dukes, a marquis, eighty-one earls, thirrteen viſcounts, ſixty-ſeven barons, twenty-ſix archbiſhops and biſhops, and ſixteen Scotch peers. Their number is always varying both by deaths and new creations.

in their hats: theſe were of all ſhapes and ſizes. With regard to the manner of ſaluting, or taking off their hats and putting them on, in general it was widely different from that which is learned at the ſchool of Malter, Marcel, and Gardel; for it diſcovered in different gradations that pride which can neither ſtoop to dependance, nor cringe to any thing bordering on ſervile reſtraint.

The court being met, the priſoner, who was come from the Tower with his equipage, appeared at the bar. He was dreſſed in deep mourning, and preceded by the gentleman uſher of the black rod, with a ſerjeant at arms on each ſide, holding an ax with the edge turned from him, and followed by a company of battle-axes: he fell upon his knees before the court and ſhed tears, with which a great number of the ſpectators mixed theirs.

The trial was opened by a proclamation made by a herald, who ſtanding upon a ſort of ſtool, cried out three times, O yes! laying a ſtrong emphaſis upon the firſt ſyllable of that word *.

The lord high ſteward having addreſſed himſelf to the priſoner at the bar, and laid before him the ſubſtance of the charge against him, he confeſſed himſelf guilty of manſlaughter, and he was permitted to riſe and continue ſtanding: a poſture which he perſevered in during the whole trial. He

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* Thoſe Engliſh gentlemen who were ſo obliging as to interpret for me, conſidered this word only as an ancient exclamation conſecrated by cuſtom. It is, doubtleſs, our old word *oy z*, liſten, hear. Thus in regiſtering bills in parliament, the royal aſſent is expreſſed in theſe terms: *Le roy le veult*, which the chancellor pronounces in a loud voice; and in that of the ſubſidy-bills, he expreſſes himſelf thus: *Le roi mercie ſes bons ſujets de leur benevolence & le veult*. The language of the court of Common-Pleas has retained a number of forms, which are ſtill either entirely, or in part, couched in that ancient Norman language, which William the Conqueror had introduced into England.

had by his ſide, for his counſel, Mr. Yorke, ſon to the late lord chancellor. That gentleman having ſacrificed to his attachment to Mr. Pitt's party the place of attorney-general, which he had filled with diſtinguiſhed abilities, had again mixed with the other barriſters *, and reſumed the functions of a private counſel. The unfortunate nobleman had likewiſe his attorney, and a ſort of a crier, who, with a voice reſembling that of Stentor, repeated phraſe by phraſe all that was ſaid by the witneſſes and the accuſed.

They began with reading all the proceedings of the coroner, calculated to aſcertain the facts by a jury. The witneſſes who had before been heard, were afterwards confronted with the accuſed, who ſtarted againſt moſt of them exceptions, which the court admitted or rejected directly. The depoſitions of theſe witneſſes admitted, were then read. The perſon who read them, made a pauſe at each phraſe: the accuſed anſwered by word of mouth, aſked queſtions, and entered into a ſort of a converſation with the witneſs; notes were taken of all that was ſaid by the clerk of the crown, as well as of the queſtions aſked by ſome of the peers.

Witneſſes were then heard, whom the accuſed had leave to produce to thoſe facts which tended to his juſtification: the attorney-general did with reſpect to them, what the accuſed had done with to the witneſſes againſt him: the peers queſtioned them likewiſe.

Such was our ancient juriſprudence in the method of laying the facts tending to the juſtification of the priſoner before a court: the judgment which directed

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* He was diſtinguiſhed from the other barriſters by the ſilk-gown, which belongs only to the king's counſel, and which he had been permitted to retain by a patent of precedency.

the re-examination and confrontation, ordained likewiſe, that the perſon accuſed might have leave to produce witneſſes on his ſide. By the ordinance of Cremieu, the lord chancellor Duprat inverted this order, which appeared to him to be too favourable to the accuſed, or which, perhaps, laid him under a conſtraint in ſome particular caſe. This innovation, confirmed by the ordinance of Villers-Cotterets, has regulated the diſpoſitions of the ordinance of 1670 upon this ſubject, without any intervention or obſervation of the magiſtrates, to the examination of whom this ordinance was ſubmitted before its publication.

The firſt ſitting at the trial of lord Byron having laſted till ſix o'clock in the evening, the lord high ſteward put an end to it by proroguing the court to the day following, and the accuſed nobleman, conſtantly attended by the gentleman uſher of the black rod, was re-conducted to the Tower in his coach.

On the next day, which was the 17th, the court being opened with the ſame concourſe of ſpectators, the priſoner was again brought to the bar, ſurrounded by the ſame retinue which had accompanied him the day before, and two new witneſſes were heard, who had been cited and produced by the attorney-general. One of theſe witneſſes was the attorney that made the will of Mr. Chaworth, whoſe death gave occaſion to the trial. That witneſs depoſed, that he had heard the dying man ſay, that lord Byron had killed him. The accuſed having replied to this depoſition, ſome of the lords roſe up and affirmed that the witneſs ſhould be aſked, with what tone of voice that declaration had been made by the dying man, whether it might reaſonably give room to a ſuſpicion that the deceaſed meant that his adverſary had uſed any foul play; in a word, that the witneſs ſhould declare what judgment he had put upon the meaning of that declaration. Other lords maintained, on the contrary, that the depoſition of each witneſs ſhould be received ſuch as he delivered it, and taken in the ſenſe which it ſeemed immediately to offer: that the office of the judge being purely paſſive and confined to hearing the witneſſes, did not extend to queſtioning: finally, that in this particular caſe the judgment of the witneſs concerning the intention of the dying man, had no tendency either to prove the guilt of the priſoner or to clear him. Upon this debate the peers, in order to diſcuſs the matter more fully, quitted their ſeats, repaired to their houſe and the priſoner retired. They then returned, having come to a reſolution that the depoſition of the notary ſhould be received as he had given it; and that reſolution decided the point. The accuſed then applied for and obtained leave to cauſe a memorial to be read in his defence. The rules and cuſtoms of trials allowed him only to make his defence *vivâ voce*, but the weakneſs of his voice ſeemed to authoriſe his requeſt: the memorial was of great extent. The reading of it was followed by a ſpeech made by the lord high ſteward, who in recapitulating the articles of the accuſation, and comparing the proofs reſulting from the depoſitions of the witneſſes on the ſide of the crown or of the priſoner, either to prove the guilt of the latter, or to clear him, ſhewed the peers the point on which the cauſe turned, and put it in a light favourable to the priſoner.

Such ſpeeches made extempore, and merely from minutes, can come only from men, who add to acknowledged abilities, a habit of ſpeaking in public, and a conſummate knowledge of the law.

The attorney-general having been heard, the peers returned to their houſe, where the lords ſpiritual, the archbiſhop of Canterbury ſpeaking for his brethren, declared, that they declined taking any farther cogniſance of that affair, and that they choſe to retire, at the ſame time proteſting, that their retreat ſhould not be conſidered as any way prejudicing the cauſe of the accuſed perſon.

The peers having then returned, the lord high ſteward ſucceſſively put the queſtion to each of them, whether the priſoner at the bar was Guilty or Not guilty; to which they unanimouſly anſwered, laying their hands upon their breaſts, Guilty of manſlaughter.

This done, the priſoner being brought back to the bar, pleaded the privilege granted in caſes of manſlaughter to peers of the realm, by a law of Edward VI. By virtue of this law he was ſet at liberty, no ſentence being pronounced againſt him; his coach brought him back to his own houſe, and on the 25th of the ſame month, five days after the trial, I ſaw him amongſt the other peers at the houſe of lords, when they were debating on the regency bill. The lord high ſteward terminated that of the grand tribunal or court of juſtice over which he preſided, by breaking his white wand and quitting his office.

Lord Byron, after being thus acquitted, was liable, as I have been told, to be again proceeded againſt at the Old Bailey, at the ſeſſions held there by the commiſſioners of oyer and terminer. But the charge muſt have been brought againſt him ſix weeks after his acquittal, and could be brought only by the widow or the heir of the deceaſed, or by parties perſonally intereſted in the cauſe; in fine, this accuſation is, with regard to its form, ſubject to a ſtrict ſeverity of language, in which the leaſt word altered or forgotten, annihilates and deſtroys the action.

I have already obſerved that in England, condemnations reflect no infamy on the families of the perſons condemned. Eight days after the execution of the earl of Ferrers, his younger brother, who ſucceeded him in his titles, took his ſeat in the houſe of lords. This was the practice of ancient democracies in which a ſtate of perfect equality prevailed, and every citizen was the ſon of his own merit; in which noble birth was of no value; in which men had not the leaſt idea of the point of honour; in which, in a word, a General of reputation might receive, in a full council of war, a blow with a cane, without thinking himſelf obliged to revenge the affront: " inſtead of puniſhing the children of criminals, we ſhould, ſaid Plato, praiſe them for not reſembling their parents *". In China, on the contrary, the whole family of a criminal is involved in his puniſhment. France does not act in this reſpect either like the Chineſe or the Engliſh: vulgar prejudice there extends to the family of a criminal the infamy of a puniſhment, which he has either ſuffered or deſerved to ſuffer. This prejudice has its ſource in the French form of government, which as little reſembles that of England as the Chineſe: it is connected with that honour which, according to the maxim laid down by M. de Monteſquieu, " is the principle and ſoul of the monarchical government, which is to be found only in ſtates whoſe conſtitution is fixed, and whoſe laws are certain; which gives life to the whole body politic, to laws, to virtues themſelves; which though, philoſophically ſpeaking, falſe, is as uſeful to the public as true honour could be to the individuals poſſeſſed of it; which in fine is equally unknown both in de-

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* Plat. de Leg. lib. ix.

mocratical ſtates, in which all the citizens are upon a footing of equality, and in deſpotic governments, in which all men are in ſuch a manner equal, becauſe they are all equally ſlaves, that their language has often no term to expreſs it *.

In conſequence of this diſtinction the monarchical government has for its baſis the maxim:

Summum crede nefas animam præferre pudori,
Et propter vitam vivendi perdere cauſas;

And if there was a monarchy in which honour and the prejudices connected with it ſhould be reckoned as nothing, in which the ſons of a perſon executed, of a military man or a judge who did not know how to behave in a manner worthy of their ſtation, of a public extortioner, a fraudulent bankrupt, &c. ſhould be upon a level with other citizens, this monarchy would no longer have any fixed conſtitution: by loſing the point of honour it would be deprived of the equilibrium which ſupported it between two precipices, namely, deſpotiſm and anarchy, which opens a road to democracy. The revolution would be complete if theſe ſame perſons, concealing their infamy by the inſolence of luxury †, were repeatedly ſeen with marks of diſtinction, which would be refuſed to men of irreproachable lives, who do not dazzle the eye by their outward appearance. As this revolution would have an influence upon the manners of men in every circumſtance, and even upon gallantry itſelf; the philoſopher who compares modern manners with antient prejudices would exclaim:

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* Spirit of Laws. Book iii.

† *Brave* and *braverie*, words which were often uſed in former times in this ſenſe, are of a more antient date in the French language than *brave* and *bravure* which are derived from the Italian. I dont know from which of the two the word *braver* is derived, which, perhaps, ſignified originally to *dazzle by a pride of dreſs*.

Beaux jours de la chevalerie,
Revenez, encor parmi nous:
Revenez, galante folie,
Amadis terribles & doux.

Bright days of chivalry again
Return amongſt the ſons of men;
Return gallantry of knights
Renown'd in tournaments and fights.

The privilege poſſeſſed by the Engliſh lords of being tried only by their own houſe, is, in the preſent ſtate of that kingdom, one of the ſtrongeſt bulwarks which liberty could erect againſt arbitrary power.

Every lord is the natural judge of each member of the upper houſe; the court can exclude none of them. It ſeldom happens that a priſoner of that claſs makes exceptions againſt any of his own body; each peer, from a conſciouſneſs, declining to appear on trials, in which he might run the hazard of being excepted againſt.

The lords aſſembled for a trial never take an oath like the juries ſummoned in criminal cauſes: they declare upon their honour that the priſoner is Guilty or Not guilty; but their judgment, like that of other juries, ſhould be uniform and unanimous *.

The parliament of England was originally compoſed of ſuch of the barons or poſſeſſors of great fiefs, as the king thought proper to ſummon to that aſſembly. Moſt of theſe poſſeſſors having loſt either their lives or eſtates in the wars of the red and white roſes, the ſmall number of antient families which eſcaped the general wreck, attached themſelves to the ſovereign, who afterwards found them more devoted and ſubmiſſive to his will, as they had learned by the experience and example of former times, that it was only under the ſhelter of the throne they could expect any grandeur and ſtability.

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* This is a miſtake, a majority is ſufficient. T.

Henry VII. and his ſucceſſors were indebted to the humble ſubmiſſion of thoſe that remained of the ancient barons, for that arbitrary power which contemporary authors compare to the deſpotiſm eſtabliſhed in Turkey and Ruſſia. If theſe princes revived ancient titles of peerage, it was in favour of ſervants of a fidelity not to be ſhaken, or of favourites who could not deviate from their duty with impunity; the ſovereigns to whom they owed their exaltation, had always among the grandees ſure miniſters of their vengeance. Thus under Henry VIII. and his ſucceſſors, the chiefs of the parties which oppoſed the court, were alternately condemned and executed. Thus died the famous earl of Eſſex: victim to the jealouſy of miniſters he was tried and condemned with all the uſual forms, by a jury of twenty-five peers choſen by his proſecutors.

Such were the judgments which France afterwards ſaw during the adminiſtration of Richelieu, who was himſelf ſurpriſed at the addreſs of his commiſſioners in finding thoſe guilty whom he had put into their hands: ſuch have been the judgments of commiſſioners in all ages and countries.

James I. his children, and their ſucceſſors, having filled the upper houſe with lords of their own creation, who had a right to ſit in judgment upon their peers, the court found itſelf diveſted of the immediate influence which it had in theſe judgments: at preſent the king can neither ruin nor arbitrarily puniſh a peer, who has incurred his diſgrace: this want of power in the prince is become one of the capital articles of national liberty. Nothing now remains ſubject to court influence, but the ſentence of a court-martial. Admiral Byng experienced the influence of the court upon the deciſion of commiſſioners of its own chuſing. The commiſſioners whilſt they condemned the admiral, declared him an object of mercy in that very ſentence, and to acquit their conſciences wrote to the king, requeſting his majeſty in the moſt preſſing and earneſt manner to pardon him, and repreſenting it as an act of juſtice to comply with their petition. In ſpight of theſe repreſentations and intreaties, the ſentence was executed, after having been declared legal by the twelve judges, to whoſe opinion it was referred by the court. It was neceſſary that a ſtriking example ſhould be made, in order to reſtore ſubordination: this produced all the effect that could be expected from it: but how great the conſequence of ſuch examples with regard to national liberty!

This liberty extends to the lower claſs of people according to circumſtances. All London rung when I arrived there, with a verdict which had been given againſt lord Hallifax, ſecretary of ſtate, in favour of the author, printer, and hawkers of the Monitor, a weekly paper, in which that miniſter was perſonally attacked and reflected upon. Theſe perſons being ſeized and impriſoned, commenced a law-ſuit againſt the miniſter, and brought the cauſe before the court of Common-pleas, where it was ſolemnly tried. At laſt the miniſter was, by the jury fined in a very conſiderable ſum to the author of the Monitor, with proportionable damages to the printer and the hawkers. The verdict given againſt them, when tried before in the King's Bench, had been by that court declared conformable to law; but they had been detained longer than was thought neceſſary, before they were examined; the want of this formality ſerved as a pretext to the action againſt my lord Hallifax, and a foundation to the verdict given in their favour. The laws which they reſted their cauſe upon, were of a very antient date; many accuſed perſons had in vain applied to have them put in execution, but circumſtances were not then ſo favourable as in the preſent caſe. If this judgment ſhould not be conſidered hereafter as a precedent, it will at leaſt be a warning to the judges to examine accuſed perſons within the term preſcribed by the law.

King James I. well aware of the importance of theſe maxims, obſerved, that as God governs the world by the ordinary courſe of nature, kings ſhould in like manner govern their dominions by the ordinary courſe of juſtice; and as ſeldom aſſume the power of inverting that order, as God rarely exerts his omnipotence in working miracles.

The judgment pronounced againſt lord Hallifax ſhews how much the liberty of the nation has gained ground ſince the reign of Charles II. That prince ſeeing a man in the pillory, aſked what crime he had committed. He was anſwered, that the man ſtood there for having libelled his majeſty's miniſters. Why did he not write againſt me? replied the king, he might have done that with impunity.

Deliberate murder is, as I have already obſerved, unpardonable amongſt the Engliſh, whoſe abhorrence for that crime has been confirmed by reading the Bible, ſince it is become the general book of the nation. The king, in this reſpect, regulates his conduct by the maxim laid down by Bodin for all ſovereigns: "they may, ſays that author, remit the puniſhments inflicted by their ordinances, but not thoſe ordained by the laws of God; no more than they are authoriſed to exempt their ſubjects from obeying that law by which they are themſelves bound. If the magiſtrate who diſpenſes with the law of his ſovereign, deſerves capital puniſhment; how can it be lawful for the ſovereign, who is God's magiſtrate, to exempt his ſubjects from obſerving the divine law. The monarch cannot diſpenſe with the civil intereſt of his ſubject; favours conferred by him muſt not encroach upon the rights of others: how can he then diſpenſe with the intereſt and the rights of God?"

In Engliſh courts of juſtice, the queſtion or torture is baniſhed from criminal proceſſes. I wanted to know, 1. Whether it had been formerly in uſe: 2. Admitting this ſuppoſition, I was deſirous of being informed when it was aboliſhed: 3. Whether it was aboliſhed by being diſuſed, or by an expreſs law: 4. Whether that law is known, and what is the date of it: 5. Whether the practice is the ſame in this reſpect throughout all Great Britain. After having, to no purpoſe, propoſed theſe queſtions to ſome lawyers, whoſe knowledge is confined to the preſent practice, I was favoured by one of the firſt men in the profeſſion with the following memorial, which I ſhall here preſent the reader.

"The queſtion or torture was introduced with the civil law amongſt the nations deſcended from the ancient Germans; the uſe of it was unknown in the ancient feudal law. As the civil law never obtained in England, the queſtion never was received in that kingdom, and there are, of conſequence, but few tracts extant upon that ſubject. The laws of England are ſo averſe to this practice, that a criminal detained in priſon, is not to be loaded with any more chains than are abſolutely neceſſary to prevent his making his eſcape; and even in antient days gaolers were not allowed to throw the priſoners into irons. One of our moſt antient authors, Horne, in his Mirror of Juſtice (chap. v. ſ. 1. art. 54) ſays: it is an abuſe that a priſoner ſhould be loaded with irons, or put to any pain before he is attainted or convicted of felony." This author lived in the reign of Edward I. Sir Edward Coke, our oracle, ſpeaks of it only in one place, which is the ſecond volume of his Inſtitutes, fol. 35. The law requires, ſays he, that a priſoner ſhould be kept in *ſalvâ et arctâ cuſtodiâ*, without ſuffering any pain or torture. He adds, that in the reign of Henry VI. the duke of Exeter, the duke of Suffolk, and others had a deſire to introduce the Roman law, and that they began by placing in the Tower an inſtrument to give the queſtion with, called in Engliſh a rack, but that it went no farther. He cites the 22d chapter of Forteſcue, *De laudibus legum Angliæ*, in which that author (chancellor to the prince of Wales, ſon to Henry VI. whom he followed to France, when the houſe of York prevailed) enlarges upon the pre-eminence of the Engliſh laws above all others in this particular, that they admit not of the torture. He concludes by obſerving, that there is no opinion or judicial ſentence in our books which authoriſes theſe torments. What has been ſaid is ſufficient to prove, that there never was in this country any torture, to force a perſon accuſed to confeſs his crime or diſcover his accomplices.

"We cannot ſay ſo much with regard to Scotland. More uſed than we are to the Roman law (*non quidem edocti & in eo inſtituti*) ſays Craig. Feud. l. 2. tit. 2. ſ. 8 (*ſed propé nolentes, cum proprio jure ſcripto deſtituantur, ſolâ naturæ benignitate aut ipſius juris dignitate inducti*). They felt the bitter effects of this before the union of Scotland and England. They compelled the accuſed to confeſs their crimes by theſe tortures. The queſtion was given by putting the legs of the perſon accuſed into boots either of iron or wood; wedges were then driven down between the leg and the boot; ſometimes the thumbs were preſſed hard between two irons. Burnet mentions the torture of the boots in the Hiſtory of his Own Times. In the ſeventh year of the reign of queen Anne the queſtion was aboliſhed in Scotland (7 Ann. c. 72.) by an act intended to cement the union.

"Thoſe who are not acquainted with our laws, perhaps ran into an error, when they heard mention made of the *peine forte & dure*, and no doubt took it for a ſpecies of queſtion; but it is a puniſhment inflicted for contumacy, and not a torture to force confeſſion. When the perſon accuſed refuſes to plead, that is to anſwer the queſtion, *Guilty, or not guilty?* the judge after having exhorted him to anſwer, and repreſented to him the conſequences of his declining it, pronounces this ſentence: *Ducatur in priſonam* (this expreſſion has been retained in Engliſh) *& ibidem nudus ponatur ad terram ſuper dorſum ſuum directè jacens, & foramen in terrâ ſub ejus capite fiat, & caput ejus in eodem ponatur, & ſuper corpus ejus ubilibet ponatur tantum de petris et ferro quantum portare poteſt, et plus; quamdiu vivit, habeat de pane et aquâ peſſimis et priſonæ ejus proximis, & illâ die quâ comedit non bibat, atque illâ die quâ bibit non comedat, ſic vivendo quouſque mortuus fuerit.* "Let him be conducted into priſon, and there laid naked upon his back, and a hole made in the ground under his head, and his head put into the ſame and let there be laid upon every part of his body as great a quantity of ſtones and iron as he is able to bear, and more; ſo long as he lives let him have the very worſt ſort of bread and water, and ſuch as are to be found neareſt to his priſon; and on the day that he eats let him not drink, and on the day that he drinks let him not eat, continuing in this manner till he dies." This ſentence being once pronounced, the perſon accuſed cannot get it remitted by conſenting to plead, it muſt be carried into execution. It has ſometimes happened that judges, to avoid pronouncing this rigorous ſentence, have, after having exhauſted themſelves in perſuaſions, given orders that the thumbs of the priſoner ſhould be ſqueezed to compel him to ſpeak; but they were not authoriſed to purſue this meaſure.

" When a perſon accuſed of high treaſon refuſed to plead, the ſentence ordained againſt traitors was pronounced againſt him as one convicted; if the crime was not ſuch as deſerved to be puniſhed with death, he was condemned to the puniſhment inflicted by law. Theſe two caſes are excepted out of the general rule.

" The *piene forte et dure*, or the rigorous and ſevere puniſhment, which has been looked upon as a ſpecies of torture, and which ſeems unfit to have ever been employed, had this advantage, that the criminal dying in this manner without being attainted, his goods were not forfeited to the crown."

" I was told, that in 1745, one of the principal perſons concerned in the rebellion ſubmitted to be preſſed to death, that his family might not loſe his eſtate.

" To conclude, ſays Sir Thomas Smith, in his Treatiſe De Republicâ Anglicanâ, it is ſufficient that the queſtion has been a low and ſervile method of extorting from ſlaves a confeſſion of their guilt: it is unneceſſary to ſeek for any other reaſon of the antipathy of the Engliſh to that practice. What ſervice can the ſtate expect from a man mutilated by torture? If he be innocent, what indemnity can compenſate this mutilation? If he be guilty, why is he puniſhed be-

before his crime is known? Add to this, that the Engliſh, who little value death, are exceeding ſenſible to pain: it is playing a ſure game to put them to the torture: whether guilty, or not, they will confeſs any thing that is laid to their charge. Condemned criminals go to death with an intrepidity unparalleled in any other country, and which is a ſpectacle of great utility to the people. With what eye on the contrary, would they behold the prince and the judges, who ſhould eſtabliſh a ſpecies of cruelty ſo oppoſite to the genius of the nation?

"With regard to the queſtion which is given before the execution of the ſentence, in order to make a diſcovery of the accomplices, what jury would condemn their peers, if they knew that their ſentence is likely to conſign them to a thouſand torments previous to death? The moſt ancient ſovereigns of England availing themſelves of the contempt of the Engliſh for death, have reſpected their averſion for ſervile puniſhments: they made ſoldiers of thoſe, who, ſetting no value upon their lives, have ſhewn themſelves ſenſible only of ignominy and diſgrace."

Criminal juſtice is exceeding ſimple in England, with regard to part of the forms preſcribed by our ordinances relative to forgery: no note or draught can be proceeded againſt as counterfeit, till ſome attempt has been made to negotiate it; otherwiſe the bare denial of knowing it ſuperſedes all contrary proofs.

I ſhall now ſpeak of thoſe courts in which juſtice is adminiſtered, not to enter into a detail of their departments and their juriſdiction; this is to be found in all the deſcriptions of England; and M. de Real has given it in his great work on government. It will be ſufficient for me to recollect what I have ſeen, the particulars that ſtruck me moſt, and the inquiries which I made upon the ſpot.

Theſe courts are four in number, the court of Chancery, the King's-Bench, the Common-Pleas, and the Exchequer. They have each of them a tribunal upon the ſame floor, and joining with Weſtminſter-hall, from which they are ſeparated by a large curtain, which ſupplies the place of a door*. The court of Exchequer communicates with the porch of that hall by a great ſtair-caſe, to which the poverty of the building is conformable, though we are given to underſtand by the late inſcription, that it is the effect of queen Elizabeth's magnificence.

The three other courts are uniformly compoſed of a tribunal capable of holding five or ſix perſons, a bar for the clerks, a box, in which ſtands the door-keeper, and four benches placed in the form of an amphitheatre fronting the tribunal, each capable of holding twelve perſons. The incloſure, which ſeparates them from the tribunal, is but four or five feet long.

Each of theſe tribunals has upon it three ſtatues as big as the life, repreſenting three of the ancient kings of England, who had moſt ſignalized themſelves for their love of juſtice: theſe are wooden ſtatues, made in the reign of Henry VII. conſequently Gothic, and appear to have been caſt in the ſame mould.

The back of each tribunal is adorned with a great piece of blue tapeſtry, embroidered with flower-de-luces: it has in the middle the arms of England, Theſe hangings have the ſame ſort of work, and the ſame kind of lace as the arms of France, which hang up in the great chamber of the parliament

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* When the chancellor paſſes through Weſtminſter-hall, he ſtops oppoſite to each court, the curtain is undrawn, and he ſalutes the judges, who riſe and pay him the ſame compliment.

ment of Paris; but how great a difference is there in the deſign and the execution! the very tapeſtry hanging of the court of Chancery, which was furbiſhed up in the preſent reign, has, doubtleſs, been executed upon ſome old pattern. The name of his majeſty, which it bears, as the old ones have thoſe of the kings who cauſed them to be manufactured, is a Gothic ſuperfluity, and a method ſomewhat ſordid of ſhewing what prince was at the expence of it.

Upon a table covered with a piece of tapeſtry of the ſame ſort, are placed five or ſix volumes in folio, containing, a collection of Engliſh laws and ſtatutes, which every perſon who commences a lawſuit is at liberty to appeal to *. The buſineſs of magiſtrates is to decide by theſe ſtatutes according to the rigour and letter of the law, without extending, limiting, modifying, or interpreting them: they are the only oracle, the ſole and ſupreme judge which pronounces and decides. Their authority is ſuperior to that of the magiſtrates, whoſe buſineſs is confined entirely to the application of them. *Sciant judices*, ſaid Bacon to the Engliſh judges, *ſe jus dicere, non jus dare; leges interpretari, non condere.* Serm. Fidel. c. 54. Nothing is wanting to theſe laws, but to extend to all caſes and all circumſtances. Hence almoſt all trials in England turn upon the queſtion of fact, that is to ſay, upon the queſtion, whether the matter which gave occaſion to the ſuit, is, or is not, decided by ſuch or ſuch a law. With regard to the fact conſidered in itſelf, if the parties cannot compromiſe the matter, the juries decide it even in civil affairs.

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* When a party appeals to a precedent, which he thinks may ſerve his cauſe, recourſe is had to the minutes of theſe judgments, filed according to their dates.

We have ſtill in France the report of *prudent* men, a weak remnant of that ancient juriſprudence. Our old French law was, in this reſpect, the ſame with that of England. The eſtabliſhment of communities in the 11th and 12th centuries, gave the cities their juries, that is to ſay, a body of men, whom they choſe from amongſt the common people, reſembling the tribunal called the Court of Peers, to whom the diſputes of the nobility were referred: the ſovereign, or grand vaſſal, preſided over this court in perſon; and over the body of jurymen by his bailiff. The hiſtories of our different provinces leave no doubt with regard to this regulation; but none is clearer in this reſpect than that of the county of Auxerre, compiled by the Abbé le Bœuf. We may, upon this ſubject, conſult the ordonnance of John de Chalons, of the year 1319, relative to thoſe which Peter de Courtenay, and the counteſs Matilda, had already granted to the inhabitants of Auxerre, in 1194, and 1223. Peter de Courtenay declares, that if the twelve jurymen, choſen by the inhabitants, happen to be of the ſame opinion, the bailiff or provoſt, ſhall be obliged to judge in conformity to it, though he ſhould be of a different opinion himſelf; and that this judgment ſhall be called the court's ſentence. He declares, at the ſame time, that he ſhall not have it in his power to impriſon any citizen, nor ſeize his poſſeſſions, baniſh him from Auxerre, or cauſe him to be put to the torture, if the twelve jurymen, or at leaſt a majority of them, do not conſent to it. If in theſe caſes, adds the ordonnance, any of theſe jurymen happens to be related to the accuſed, in the ſecond or third degree, he is not qualified to take cognizance of the affair, and he ſhould ſubſtitute, in his place, ſome other perſon, who is not a relation, and who ſhould ſwear upon the Evangeliſts, that he will fill the place of the perſon excepted againſt, as he would have filled it himſelf if he had not been a relation.

In criminal cauſes, the whole is determined by the juries; and the counſel, whoſe aſſiſtance the priſoner is allowed to have recourſe to, ſhould confine himſelf to evade, if poſſible, the deciſion of the law.

Laws ſo inflexible, demand, indeed, ſome mitigation. Thus the Romans judged, who, for a long time, knew no other juſtice but what conſiſted in the rigid and literal obſervance of their primary laws. At length they became ſenſible, that the law judging only by general principles, ſhould ſometimes be moderated, in particular caſes, by that equity which ſprings from the variety and diverſity of circumſtances. They created pretors, to whom they aſſigned the cognizance of certain actions condemned by the law, but favoured by equity, ſuch as entire reſtitutions, exceptions of deceit, of fear, of minority, law-ſuits concerning wills, ſubſtitutions, &c. With regard to theſe caſes, the parties found in the pretor's court a mitigation of the rigour of the law.

The lord chancellor is in England what the pretor was at Rome: his court, which he holds by himſelf, and the appeals from which are carried into the houſe of lords, is called a Court of Equity. All cauſes are tried by hearings, as at other tribunals, after the action has been admitted upon a bill, in which the party petitions the lord chancellor to grant him, by right and equity, that aſſiſtance which the laws refuſe him.

I attended in this court a cauſe highly important with regard to its object. Lord Bath, who long played in England the ſame part which Mr. Pitt acted lately, died immenſely rich, having ſurvived an only ſon who had plunged into the moſt extravagant expences: the wealth of the father, and the expectation of the ſucceſſion, facilitated to the ſon the means of borrowing money on all ſides; but his premature death fruſtrated his creditors, and left them greatly to ſeek. Upon the deceaſe of the father, they required, in oppoſition to his will, that the fortune of the ſon ſhould be made over to them. I heard this cauſe pleaded. The lord chancellor, ſeated alone upon his tribunal, liſtened to the counſel, queſtioned them alternately, preſſed them with regard to the principal facts, made them contradict each other, as well concerning facts as circumſtances, and took notes of the proceedings. In the courſe of the pleadings, from briefs or memorials, of which I have made mention, written upon three or four great ſheets of paper, Mr. Yorke, ſon to the late lord chancellor, ſpeaking for the creditors, cited in their favour a deciſion of his father, which he affirmed to have been made in a cauſe exactly ſimilar. The chancellor affirmed, that the caſes had not the leaſt reſemblance, and proved his aſſertion by comparing them; in fine, having liſtened to the diſcuſſion of the cauſe with as much patience as earneſtneſs, he decided it by declaring, that, according to his opinion, the creditors demand could not be admitted: it is in theſe terms the chancellor decides cauſes.

It is eaſy to ſee how far this great magiſtrate might abuſe his truſt, if he were acceſſible to corruption. That was the crime of the famous chancellor lord Bacon. Nobody ever ſhewed himſelf ſo diſintereſted in that high office as the famous Sir Thomas More, who replied to the complaints of his wife and children. "Let me alone: your reputation and my life are concerned: you will be rich in the bleſſings of God and man." The authors who have written his life, inform us, that a nobleman who had a cauſe depending in chancery, having preſented him with two ſilver flaſks of exquiſite workmanſhip, More ſent for his butler, and ſaid to him: "Carry that man into my cellar, and fill his two flaſks with my beſt wine." "Friend," ſaid he then to the perſon who brought them, "tell your maſter, that I beg he would not ſpare my wine if he likes it."

The high office of lord chancellor is generally the reward of merit: if court-favour ſometimes diſpoſes of this poſt, it is by ſingling out amongſt men of the moſt conſummate knowledge of the law, the moſt extraordinary talents for eloquence, and the greateſt practice in all the functions of magiſtracy. Its yearly income is 7000l. fixed, without compriſing the perquiſites of the great ſeal.

It exacts from the perſon inveſted with it a continual application and labour. Public and private audiences, the examination of petitions which ſhould never be admitted till the cauſe is thoroughly known, the keeping of the great ſeal, the preſiding as ſpeaker in the upper houſe of parliament, the aſſiſting at the privy council and at all the public ceremonies and formalities, the vice-preſidentſhip of the exchequer, the diſcuſſion and examination of appeals to parliament: ſuch are the functions, the continued ſucceſſion of which fills every moment of this magiſtrate's life. Of all the lord chancellors of England none of them has ſhone with ſuch a luſtre and ſuperiority as the late lord Hardwicke, whoſe brilliant and numerous poſterity are at this day poſſeſſed of ſeveral of the chief employments in the ſtate.

This great magiſtrate, who was born at Dover, owed his fortune to his own merit, which, from a low beginning, led him to that high office through all the intermediate poſts of the robe and magiſtracy. Notwithſtanding the importance and multiplicity of his occupations he contrived to ſave an hour or two each day, and theſe hours thus ſtolen he employed in reading ſome firſt-rate author. In this manner did he in the ſpace of three years, peruſe the whole Hiſtory of Thuanus, inſerting in the margin obſervations upon ſuch parts as appeared to him moſt intereſting: this ſtudy was a recreation to him, though it would have been a laborious occupation for weaker heads than his. "I exiſt all day for the whole kingdom, ſaid he to a ſecret confident of his amuſements; it is but juſt that the whole kingdom ſhould grant me at leaſt an hour, during which I may exiſt for myſelf." Who is not acquainted with the excellent works of More, Bacon, and Clarendon; the agreeableneſs, depth, and extent of which are ſuch, that one would imagine their authors to have been abſolute maſters of their leiſure?

The chancellors of England, are generally raiſed to the dignity of a peerage; this employment is a ſort of ſeminary to the houſe of lords, which does them honour by ſupplying them with members of tried merit. In ſpight of Caſtillian prejudices, this cuſtom has obtained at the court of Spain in favour of ſuch perſons as have done the ſtate either long or ſhining ſervices; and theſe titles, whilſt they perpetuate the memory of ſervices, reflect on thoſe to whom they are granted, and on their deſcendants, a luſtre infinitely ſuperior to that which they might acquire by vain genealogies.

Next to the lord chancellor comes the lord chief juſtice of the court of King's Bench, ſo called either becauſe all civil or criminal affairs, which are proſecuted in the king's name, muſt be brought before this tribunal, or becauſe the kings ſat there at the times that they adminiſtered juſtice in perſon.

Mr. Murray, honoured with the peerage by the title of lord Mansfield, preſides in this court. I have already mentioned his talent for ſpeaking, a talent ſupported by all the external graces of figure, which are capable of adorning without leſſening the dignity of the magiſtrate.

The court of King's Bench conſiſts only of four judges, compriſing the lord chief juſtice, whoſe ſalary amounts to four thouſand pounds a year. The ſalaries of the other judges are two thouſand pounds a year each. Juſtice is likewiſe adminiſtered at the court of Common-pleas, where all cauſes between private perſons are tried according to the rigour of the laws. The lord chief juſtice of the court of Common pleas was Mr. Pratt, who has ſince been dignified with the peerage, and is now lord Camden. The faces of the two lord chief juſtices ſuited but ill with their departments: that of lord Camden denoted a criminal judge, that of lord Mansfield a judge altogether civil: with regard to the parties which they adhered to, the difference between them was exactly that remarked by Mr. Addiſon in his Spectator: lord Camden was devoted to Mr. Pitt, the miniſterial party had for one of its chief ſupports lord Mansfield.

The lawyers who attend the Court of Common-Pleas with the title of ſerjeants at law, are all admitted by the ſovereign.

Excepting the circumſtance of keeping the ſeals, the twelve judges have the ſame functions as the lord chancellor, and over and above thoſe, they have periodical ſeſſions in ſeveral juriſdictions in London, and the aſſizes which they hold in the country, where they decide all cauſes upon the ſpot *.

In a word, theſe twelve judges, and the lord chancellor, perform in England all the functions, which the parliaments, the maſters of requeſts, and the counſellors of ſtate, choſen from amongſt the gentlemen of the long robe, are ſcarce able to perform in France; the chancellor at the ſame time attends all the ſeſſions of the upper-houſe, and conducts its operations.

Their courts, which are by no means ſtriking in their decorations, are reduced by Engliſh liberty to depend upon their intrinſic dignity. Spectators ſeat themſelves with very little ceremony. I have ſeen, when there was a croud there, young perſons with frocks as dirty as thoſe who walk the ſtreets of London, fill two or three vacant places cloſe to the lord chief juſtice.

The judges, whilſt they ſit upon the bench, have preſented to them every day large noſegays, and theſe ſupply the place of the perquiſites, which ſuch magiſtrates receive in other countries †.

It is true, that as their places are not purchaſed, they have no manner of right to ſell what they never bought.

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* Loyſeau, in his Treatiſe concerning Lordſhips, Lib. VIII. n. 48 infers from theſe aſſizes, from their form and their objects, the conformity between the antient judicial forms of France, and the preſent forms of the Engliſh, who have borrowed them from us, as well as the ancient laws by which they are governed at this day.

† In the parliaments of France, noſegays were in the ſame manner diſtributed to the judges, and this diſtribution was called the giving of roſes. *See the Hiſtory of the Parliament.*

The judges are choſen from amongſt the ſerjeants at law: theſe ſerjeants retain not only the enormous periwigs worn by the magiſtrates of France at the beginning of the preſent century; but, as a mark of their original condition, they wear a piece of black taffety, called a coif, upon the top of the periwig. I was informed, that the ſerjeants at law, and the judges, have retained this whimſical ornament, in commemoration of their predeceſſors being formerly choſen from amongſt the moſt eminent of the clergy.

The knowledge of the law is, in England, one of the high roads to wealth and preferment; this road is in conſequence taken by ſuch younger brothers of the beſt families in the three kingdoms, as are men of genius, and have a turn for ſtudy. The drudgery neceſſary for the acquiſition of this knowledge is as diſguſting as arduous. Chichanery has likewiſe in England a language peculiar to itſelf, very different from that which obtains in common uſe; it turns upon ſtrict forms, which add to Saxon barbariſm all the Norman quibbles.

The profeſſion of a barriſter affords an honourable and even a comfortable ſituation in life to thoſe who, after having ſurmounted the difficulties which attend the ſtudy of the law, have a good deal of practice, though deſtitute of ſuch abilities as might raiſe them to the higheſt dignities of the ſtate. Conſultations, writings, pleadings, coſt very dear, the labour being eſtimated by the perſpicuity and ſolidity, not by the number and prolixity of the writings.

Whatever relates to the preparing of the proceſs, is the department of the attornies*. Each court has a number belonging to it, who are admitted by the judges. The attorneys wear no gowns.

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* Attornies and counſellors are indiſcriminately called by this name in the antient Norman laws. See Ducange, at the word *Atturneti*, and Mr. Howard's Obſervations upon Littleton, n. 196. In his bull againſt ſtrolling abbeſſes, inſerted in the

The court of Exchequer, which conſiſts of four judges, called the Barons of the Exchequer, performs all the functions divided in other countries between the court of aids, the chamber of accounts, and the mint: whatever concerns the intereſts of the king, thoſe of the crown, and the treaſury, belongs to this juriſdiction. Theſe judges have the ſame ſalaries with thoſe of the Common Pleas, 3000 a year the chief, and the others 2000. To the department of the court of Exchequer likewiſe belong all ſuch cauſes as are attended with fines, ſuch as accuſation-bills and actions for the reſtoring of poſſeſſions, alienations made without the permiſſion of the prince; in fine, ſeizures, proclamations, diſburſements, cuſtoms, &c. What concerns the king's affairs is managed in each of theſe courts by an attorney-general and a ſollicitor-general.

Lawyers are educated and reſide in the inns of court, viz. the two Temples, Grays-inn, and Lincolns-inn. Theſe ſocieties are at London the ſame to the gentlemen of the long robe, as the houſes and colleges of Sorbonne and Navarre are to divines: they have like them regular revenues *, and the adminiſtration of them is regulated by nearly the ſame laws. Admiſſion into the ſociety of the ſergeants at law, coſts about 500l. for the reception-fees, muſic, feaſts, and finally for gold rings, which the ſergeant diſtributes to the judges and his new brethren.

Decretals, in Sexto, Lib. III. c. 16. Boniface VIII. requires ſovereigns and temporal lords to ſuffer theſe ladies to plead by lawyers, *qui atturnati in aliquibus partibus dicuntur.*

[*] Their moſt conſiderable revenue ariſes from the rents of buildings belonging to the reſpective ſocieties. A large apartment in Lincoln's inn is occupied by the Stamp-office.

Young gentlemen at the bar attend the aſſizes when the judges go the circuit: there they eſſay their talents. In caſe of unavoidable abſence the judge chuſes one amongſt the ſergeants at law, to ſupply his place, and pays him for his trouble. The ſerjeants at law have a right to plead covered in all courts of juſtice [†].

In England, as well as in the republics of antiquity, eloquence is the moſt eſteemed of all accompliſhments: dwelling upon the ſame objects, it leads to the ſame diſtinctions and rewards: the Bolingbrokes, the Shaftſburys, the Walpoles, the Carterets, the Pelhams, the Pulteneys, the Pitts, are indebted to this talent for the firſt dignities in the ſtate. The ſuffrages and wiſhes of the nation in favour of theſe eminent men have more than once prevailed over the deſires of the prince, who is frequently reduced to purchaſe the friendſhip of perſons that have attained a high degree of popularity, and amongſt whom he expects to find only cenſors and perpetual oppoſers of his maxims, his ſyſtem and plan of government.

According to this way of thinking of the Engliſh, the greateſt men in the neighbouring kingdoms are thoſe orators, who hold the firſt rank at the bar of ſuperior courts of judicature. Whilſt they ſcarce know the names of the miniſters that govern theſe kingdoms, and are little concerned about knowing them, they are acquainted with the character of ſuch as have diſtinguiſhed themſelves moſt by their eloquence, whether in pleading the cauſes of individuals or in the adminiſtration of public affairs. In a word, ſuch of the Engliſh as have ſcarce heard of any miniſter in France ſince the days of cardinal de Fleuri, pique themſelves upon knowing the Dagueſſaus, the Iolis, the Gilberts, the Normands, the Cochins, the Laverdis. They think and act in this reſpect as people thought and acted in France in the ſixteenth century, in which the order of advocates ſupplied the privy council, and the firſt dignities of the ſtate, with thoſe men who reflected moſt honour on their employments †, ſuch as the Oliviers, the l'Hopitals, the Pibracs, the Bouthiliers, the Chauvelins, the Montholons, the Arnaulds, &c.

[†] See Ducange at the word *ſerviens ad legem*, in which he cites theſe two fine lines which denote the degrees that are paſt through in the ſtudy of the laws:

Et apprentitius, ſergandus poſt & adultus
Judicis officium ſine notabit eum.

Thoſe great men may, in the ſtricteſt ſenſe, be ſaid to have ſerved an apprenticeſhip to the magiſtracy, not thinking it below them to ſtoop even to its meaneſt functions. The archives of the archbiſhopric of Paris repreſent to us Chriſtopher de Thou holding under an elm, on the 15th of June 1535, the aſſizes of St. Cloud, in quality of lieutenant of the bailiwick to John du Belley, biſhop of Paris. It is this very Chriſtopher de Thou who, having arrived by a gradual progreſs at the firſt dignities of the long robe, was in 1562, choſen by the chancellor de l'Hopital, then head of the privy-council of Catherine of Medici, for the place of firſt preſident; which he filled during twenty years with the ſame abilities as he had diſplayed in 1535, under the elm of St. Cloud.

M. Ellis de Beaumont reaped the firſt fruits of the prepoſſeſſion of the Engliſh in favour of the French bar, from the manner in which he was received in England. The univerſity of Oxford readily conferred upon him the title of doctor, a title

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* It is certain, that M. de Thou's Hiſtory was the cauſe of his not being raiſed to the poſt of firſt preſident in 1611; that he was ſenſible of the affront, and teſtified his concern to the preſident J[illegible]in, in a long letter, which makes part of a collection of hiſtorical pieces printed at Delft, in 1717. But the honour which equitable poſterity has annexed to his name, is much ſuperior to that of being known only from the liſt of firſt preſidents: *eo ipſo illuſtrior, quòd deſideratur.*

with which foreign princes think themſelves honoured when they pay a viſit to England. The Royal Society diſcovered the ſame readineſs to inſcribe him amongſt its members. This he in agreat meaſure owed to the defence the family of Calas, and to the decree of council which he had procured in their favour, in oppoſition to that of the parliament of Toulouſe.

England has no ſubordinate juriſdictions of lords of manors, to which diſputes between country people are referred, and where offences are taken cognifance of, in the firſt inſtance. The king is the only perſon poſſeſſed of juriſdiction. If the lords have bailiffs or ſtewards, the limited authority of thoſe officers is reduced to exacting their lord's rights from tenants: in a word, the adminiſtration of juſtice in England is ſtill in the ſame ſtate as it was in France under the ſecond race, according to the account fixed and aſcertained by the Capitulars and by the Formularies which have reached us.

Our preſent juriſdictions of ſeignories have their origin in the exorbitant conceſſions † of Charlemagne and his ſucceſſors, in favour of monaſteries: under pretext of ſecuring the tranquillity of thoſe aſylums, the diplomas interdict to all officers or perſons who have the royal mandate, the exerciſe of their functions. In thoſe times of general confuſion which ſucceeded the reign of Charlemagne, the peaſants, whether free or bondmen, endeavoured to get habitations near the monaſteries, and the monks were ready to receive them. The *advocati*, or *defenſores*, belonging to thoſe monaſteries, became judges of theſe new colonies, and availed themſelves of the decline of the regal authority to ſtrengthen and extend their juriſdiction; their uſurpations ſerved for a rule or precedent for thoſe rights, which were afterwards claimed by lay uſurpers.

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† The moſt important of theſe conceſſions are to be found in [illegible] collection of French hiſtorians publiſhed by Don Bouquet.

Normandy, betimes diſmembered from the crown, and abandoned to princes well-informed of their rights, and able to maintain them, retained the antient form, which the Saxon kings likewiſe preſerved in England: if in this reſpect conqueſt occaſioned any change, it was to the advantage of the royal authority.

France, on the contrary, ſeemed to have reverted to the ſtate in which Cæſar found Gaul, when he incorporated it with the Roman empire: *Principes regionum atque pagorum inter ſuos jus dicebant, controverſiaſque minuebant.*

Our juriſdictions of the great lords being the effect of anarchy, civilians have in vain attempted to ſeek its foundation in the authority of the laws.

"This ſubject is an inextricable labyrinth," (theſe are the words of the profound and ſenſible Loyſeau:) "I ſay it, after having experienced it. Let men read all the treatiſes concerning cuſtomary juriſdictions, and they will find nothing but confuſion. Let them peruſe all the antient and modern authors that have treated of them, and there is nothing to be ſeen but abſurdity and contradiction. Let them meditate upon them as long as they think proper; he muſt have genius, who amongſt ſuch variations of time and place, and ſo many abſurdities, can fix on a certain and reaſonable determination. We can only diſpute at random concerning the regulation of theſe juriſdictions; it is a ſort of gordian knot, which it is eaſier to cut than untie: perhaps, his majeſty may be inſpired with a thought how to deliver his people from this oppreſſion *."

But our kings have no farther concerned themſelves in this affair, than it intereſted their authority, which had been unknown to the people ſubject to the juriſdiction of the great lords. In order to reſtore this authority, by giving it a farther extent, they ſubjected the lands which held from them, to the juriſdiction of royal bailiffs; they ſpread through the country provoſtſhips and royal mayoralties; they inſtituted royal boroughs, and eſtabliſhed communities; they engaged themſelves, by a public and ſolemn oath, to render ſpeedy juſtice to all thoſe that ſhould apply for it to their officers: in fine, in order to reſtore the ſovereign authority, they deſcended to all the chicanery that had been employed to pull it down.

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* Of Lordſhips, chap. x. ſect. 1, 2.

We may judge of the obſtacles which they met with, from thoſe which Lewis VII. had to encounter, when, in purſuance of the ſyſtem of Louis le Gros, his father, who had favoured the eſtabliſhment of communities in the lands diſtantly or immediately depending on the crown, he ſeconded by his authority, the project of Guy, count of Nevers and Auxerre, to erect that town into a community or corporation. "Thoſe citizens, ſay contemporary hiſtorians, were for forming a body inveſted with privileges, which, with reſpect to military ſervice and contributions, might ſerve the king independent of the biſhop, and which, being governed by its own laws, ſhould have a ſeal and a juriſdiction peculiar to itſelf. The biſhop, add they, having oppoſed this deſign, and ſupporting his oppoſition, minded no expence, and feared no danger." The king whom he ſpoke with upon this ſubject, ſaid to him with a tone of voice expreſſing reproach and indignation, "that his oppoſition betrayed a deſign to take the city of Auxerre from him and the ſucceſſors to his crown, who could have no real authority in that city except by the eſtabliſhment of a community." The biſhop having ſucceeded ſo far as to get his oppoſition referred to the privy council, diſtributed conſiderable ſums of money to the ſeveral members of it, and fruſtrated the king's deſign*. Ten years before that, the eſtabliſhment of a community at Vezelai had been fruſtrated by the monks and the abbot of that town, who choſe rather to ſuſtain a ſiege, by *which they were reduced to eat meat without bread*, than conſent to an accommodation which was likely to deliver the citizens from the yoke of their authority †. The eſtabliſhment of a royal bailiwick at Auxerre, by Charles V. in 1371, met with the ſame oppoſition from the biſhop, who engaged in a juridical ‡ proceeding, in which he was nonſuited by a decree of parliament of the 11th of Auguſt 1391.

GOVERNMENT.

To conſider Magna Charta as the baſis and foundation of the Engliſh conſtitution, is the ſame thing as to derive the principles of the preſent government of France from the Salic law. The Engliſh notwithſtanding looking upon this charter as the palladium of their liberty, pay a reſpect to it which almoſt amounts to idolatry, and preſerve an authentic copy of it with all the care that can be taken of things the moſt ſacred §. By adding to this unexceptionable copy others that reſemble it, they behave with reſpect to this charter, as king Numa did by the advice of the nymph Egeria, to ſecure the ſacred buckler (*ancile*) which was affirmed to have fallen from Heaven on the occaſion of a peſtilence: leſt it ſhould ſome time or other be taken away by the enemy, many of a like form were made, and placed in the temple of Mars *.

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* Hiſtory of Auxerre, by the Abbé le Bœuf.

† The monks of Vezelay were ſupported in this rebellion by the ſame Lewis the Younger, who was afterwards ſo much incenſed againſt the biſhop of Auxerre in favour of the inhabitants of that city. The reign of this prince is a concatenation of the like variations. See the Continuation of Aimoin, Lib. v. c. 55.

‡ See the detail of the apparent motives of this oppoſition in the Hiſtory of Auxerre, by the Abbé le Bœuf. T. i. p. 253.

§ See above, the article MUSEUM.

The natural enemy of Magna Charta does not appear at all diſpoſed to ſuperſede it. It is not ſo much the literal ſenſe of that charter which he has to fear, as the conſequences which a nation, jealous of its liberties, is capable of deriving from thence, and which it would unanimouſly ſupport. This grand charter was not unknown to authors, whether foreigners or Engliſhmen †, who even in the ſixteenth century, reckoned England amongſt the monarchies in which the ſovereign's power is moſt abſolute and unlimited. The old lawyers, depoſitaries of the rights of the nation, the Bractons, the Forteſcues, the Littletons, have, in concert with ſome modern writers upon the ſubject of law, ſacrificed theſe rights to the royal prerogative. According to them the king is, in virtue of his coronation both king and pontiff; he is the firſt biſhop, the *pontifex maximus*, the *ſupremus ordinarius* of his dominions; he is the vicar of God, his rights are the *ſancta ſanctorum*; he is not bound nor can be bound by any law; to him alone belongs the right to a certain and unvariable property; in fine he can do no wrong, and no body is authoriſed to oppoſe his will, or even to contradict and diſpute it, becauſe it is founded upon an infallible authority ‡.

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* Dion. Halicarnaſſ.

† *Vita, caput, auctoritas omnium in principe eſt.* Smith, de Anglia, inter reſp. Elzevir. The life, the perſon, the authority of all is in the prince. *Nec enim Turcarum, Perſarum, Scytharum, Britannorum, Abyſſinorum reges legibus ullis ſe teneri volunt, & ut eorum verbis utar, nunquam manus ſibi ligant.* Bodin. Meth. Hiſt. c. 6. p. 313. Edit. 1572. The kings of the Turks, the Perſians, the Scythians, the Britons, the Abyſſinians, will not allow themſelves to be bound by any law; and to uſe their own words, have their hands tied up.

‡ *Rex Angliæ non poteſt injuriam facere, non poteſt errare, nemo de factis ejus præſumat diſputare, multò minùs contra factum ejus ire* *de*

Poncet the traveller was, doubtleſs, unacquainted with theſe prerogatives of the kings of England when giving Charles IX. an account of his many and long voyages, he ſaid "that he had ſeen all the Chriſtian princes and others, but he had properly ſeen but one ſovereign, namely the grand ſignior: that he alone had in his hands the honour, the property, and the lives of all his ſubjects: that in his dominions there are no natural dignities, no princes, no great men, no gentlemen but the janiſaries, who call themſelves the ſons of the ſovereign lord, and by whom, without conſideration of race or parentage, all are kept to their duty: that in this empire there is no religion but that of the prince, no lands, no funds belonging to private perſons; no fortreſſes except on the frontiers; no rank, no conſideration but in proportion to the ſhare people have in ſupporting the ſupreme authority [*].

An ambaſſador from the republic of Venice at the court of queen Elizabeth, thought he could diſcover in the government of England the principles and effects of the deſpotiſm of the Porte. The reader will be aſtoniſhed at his expreſſions to this purpoſe, in the relation of his embaſſy, printed in the volume ſtiled *Anglia*, which makes part of the Little Republics of the Elzevirs [†].

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de chartis & de factis ejus non debent nec poſſunt juſticiarii, multò minùs privatæ perſonæ diſputare. Bracton. The king of England can do no wrong, can be guilty of no error, nobody ſhould preſume to canvaſs his actions, much leſs oppoſe his will: the juſtices neither ſhould, nor can, diſpute his charters, or his deeds, much leſs can private perſons diſpute them.

[*] Hiſt. by D'Aubigné, Tom. II. l. iii. c. 2.

[†] *In toto regno atque in omnibus conſultationibus regia voluntas ſola attenditur, cùm reges abſoluti ſint domini & monarchæ. Ne ſoli videantur eſſe in regimine, vel propter inertiam vel ob ſuperbiam & pompam, inſtar Turcici imperii, induxere concilium præcipuorum officialium qui ad inſtar Baſſarum congregantur*, &c. &c. p. 395, *& ſeq.* In the whole government, and in all conſultations, the will of the ſovereign is alone attended to, the kings being abſolute lords and monarchs. Leſt they ſhould ſeem to governal one, or in conſequence

Mr. Hume * found, in the laſt will of king Alfred, a title ſtill more ancient and more expreſs than Magna Charta, in favour of Engliſh liberty. "Alfred, ſays he, declared in expreſs terms, in his laſt will, that it was juſt the Engliſh ſhould be as free as their own thoughts."

Struck with this wiſh, which intimates more in two words than the whole context of Magna Charta, I conſulted Alfred's will, publiſhed with the life of that prince by biſhop Aſher, an author of the ninth century †: the paſſage which Mr. Hume had in view is as follows: *In nomine domini et omnium ſanctorum, exhortor quòd nemo conſanguineorum memorum in poſterum contra aliquem meæ conſanguinitatis laboret, quovis modo, quoad ea quæ ego ipſis dedi aut legavi; et mecum tota nobilitas Weſt-Saxonicæ gentis conſentiunt quòd me oportet EOS demittere ita liberos, ſicut in homine cogitatio ipſius conſiſtit.* "In the name of the Lord and all his ſaints, I exhort that none of my relations ſhall hereafter proſecute or diſturb any of my kindred, on account of thoſe things which I have given or bequeathed to them; and the whole nobility of the Weſt Saxon nation agree, that I ſhould leave *them* as free as thought is in the human mind."

Now this paſſage ſeems to relate not to the Weſt Saxon nobility but the Athelings, the princes of Alfred's blood, with regard to the eſtates, the perpetual poſſeſſion of which he had ſecured to them with the conſent of that nobility, by exempting them from all duty to the kings his ſucceſſors, who are meant by his *conſanguinei in poſterum*, that is to ſay his heirs in contradiſtinction to the legatees or

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of ſloth, or pomp, and pride, like the Turkiſh ſovereigns, they have introduced a court of chief officers, who are aſſembled like baſhaws, &c.

* Hiſt. of England, Vol. I. p. 94.

† In Camden's Grand Collection, p. 22.

donees *conſanguinitatis ſuæ*. It is to the latter that the *Eos* of the will ſeems to have the moſt immediate relation.

As matters ſtand at preſent, it was natural that this paſſage ſhould offer to an Engliſh eye, Alfred the Great, Alfred the firſt legiſlator of England, Alfred the founder of the Engliſh monarchy, eſtabliſhing that monarchy upon the principle that every Engliſhman *ita ſit liber, ſicut in homine cogitatio ipſius conſiſtit*.

England owes its preſent form of government to the troubles, and afterwards to the revolutions which ſettled the crown on Charles II. on king William, and on the houſe of Hanover, as well as to the capitulations which the nation had the addreſs to obtain in thoſe critical conjunctures, when the revolutions of ſtate followed each other ſo cloſe as to be reducible to a regular ſyſtem. The king has ſtill preſerved that combination of power and authority to which Henry III. reduced himſelf, when preſſed by the forces of the league. "His majeſty, ſaid he by the mouth of M. de la Gueſle, his attorney-general, deſires to have a ſovereign and infinite power in doing good; but as to diſpenſing with or weakening the obſervance of uſeful laws, he conſents that his power and authority ſhould be limited *.

Such was in Rome the language of the Trajans, and of the Antoninus's; ſuch was in France that of

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* Memoirs of Guil. de Taix, concerning the ſtates of Blois, p. 35. *Digna vox eſt majeſtate regnantis, legibus alligatum ſe profitori: adò de auctoritate juris noſtra pendet auctoritas; & reverà majus imperio eſt ſubmittere legibus principatum, & quod licere nobis non patimur, aliis indicare.* "It was a ſaying worthy of the majeſty of a ſovereign, to acknowledge himſelf bound to obſerve the laws, ſo much does our authority depend upon the authority of the law; and indeed, it is the greateſt command to ſubject the royal authority to the laws, and what we do not allow ourſelves, point out to others." In this manner did the emperors Valentinian and Theodoſius II. expreſs themſelves concerning their authority in

Lewis IX. of Charles V. of Lewis XII. and Henry IV. Thus did the famous queen Elizabeth expreſs herſelf in England, at a time when an unlimited power conſtituted the chief article of her prerogative. That princeſs having revoked certain excluſive privileges, which ſhe had granted without immediately perceiving the ill that reſulted from thence to the public, anſwered the thanks which were returned her by the parliament, by a ſpeech which the Engliſh have preſerved with the utmoſt care, and which became one of the firſt cauſes of their profound veneration for her memory. She was then in the forty-third year of her reign. I ſhall here inſert that ſpeech, which will not, in this place, appear to be foreign to the purpoſe: ſuch monuments cannot be too often laid before the public.

" Gentlemen, I owe you hearty thanks and commendations for your ſingular good will towards me, not only in your hearts and thoughts, but which you have openly expreſſed and declared, whereby you have recalled me from an error proceeding from my ignorance, not my will. Theſe things had undeſervedly turned to my diſgrace (to whom nothing is more dear than the ſafety and love of my people) had not ſuch harpyes and horſe leeches been made known and diſcovered to me by you. I had rather my heart or hand ſhould periſh, than that either my heart or hand ſhould allow ſuch privileges to monopoliſts, as may be prejudicial to my people. The ſplendor of regal majeſty hath not ſo blinded mine eyes, that licentious power ſhould prevail with me more than juſtice. The glory of the name of a king may deceive princes that know not how to

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a law inſerted in the firſt book of the Code, Title 14. With regard to this law, Cujas examines how, and to what degree, the emperors were ſubject to the laws. Obſerv. xxx. c. 15.

rule, as gilded pills may deceive a ſick patient. But I am none of thoſe princes: for I know that the commonwealth is to be governed for the good and advantage of thoſe that are committed to me, not of myſelf to whom it is intruſted; and that an account is one day to be given before another judgment-ſeat. I think myſelf, that, by God's aſſiſtance, I have hitherto ſo proſperouſly governed the commonwealth in all reſpects; and that I have ſuch ſubjects, as for their good I would willingly leave both kingdom and life alſo. I beſeech you, that whatever miſdemeanours and miſcarriages others are guilty of by their falſe ſuggeſtions, may not be imputed to me: let the teſtimony of a clear conſcience intirely in all reſpects excuſe me. You are not ignorant, that princes ſervants are oftentimes too much ſet upon their own private advantage; that the truth is frequently concealed from princes, and they cannot themſelves look narrowly into all things, upon whoſe ſhoulders lieth continually the heavy weight of the greateſt and moſt important affairs."

M. de Monteſquieu has placed the ſpring of the preſent government of Great Britain in the continual play of the paſſions, of envy, of jealouſy, of eagerneſs in the ſubjects to make fortunes and diſtinguiſh themſelves, which the national liberty allows them to indulge in their full extent." From the conflict of theſe irritated paſſions ariſe thoſe factions and parties, which, like the waves of the troubled ocean, after having violently daſhed againſt each other, coaleſce into one body, in order to ſeparate and divide again upon the riſing of the next tempeſt.

With liberty, and with the pride, or, if you chuſe to call it ſo, the haughtineſs which attends it, it would be contrary to the nature of things that the intereſts of different bodies and of each individual, conſtantly united by national intereſt, ſhould form only one party. Sentiments ſo uncommon, ſo ſublime, diſplayed themſelves only in the middle age of the Roman republic, which they led on to the conqueſt of the world. Both in its beginning and in its decline the ſtate of that commonwealth was the ſame in which England is at this day: but the republicans of antiquity had not the reſource of public papers, and all thoſe other helps which the art of printing at preſent affords.

The government of England is divided between the king, the houſe of lords, which ſupplies the place of the ſenate in ancient republics, and the houſe of commons, which repreſents the people; a mixture which gives this government ſome reſemblance to that ſtatue ſeen by Nebuchadnezzar in the viſion explained by Daniel *.

I leave it to others to calculate the law, and combine the effects of the mutual action and re-action of theſe three powers †. With regard to the right which each of them, ſeparately conſidered, may have to the preference;

> For forms of government let fools conteſt,
> Whate'er is beſt adminiſter'd is beſt ‡.

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* *Hujus ſtatuæ caput ex auro optimo erat, pectus & brachia de argento, pedum quædam pars ferrea, quædam fictilis.* Daniel, c. xxi. The head of this ſtatue was of the fineſt gold, the breaſt and arms of ſilver, part of the feet was of iron, part of earth.

† It would be difficult to add any thing to what M. de Monteſquieu has ſaid upon this ſubject. *Spirit of Laws*, l. ii. c. 6. We muſt not confound with the ſenſeleſs criticiſms which have been levelled at the Spirit of Laws, the xiiith, xivth, and xvth chapters of the Abridgment of Bodin's Republick, publiſhed in 1755. The author there diſcuſſes with equal ſolidity and perſpicuity the views of M. D. M. relative to the Engliſh conſtitution and liberty.

‡ Eſſay on Man, Epiſt. iii. If with regard to this grand queſtion we conſult the moſt enlightened and wiſe politician of antiquity, I mean Xenophon, who had lived under all the forms of govern-

I ſhall ſpeak only of the appearance which theſe powers make in the eye of a foreigner*; after having obſerved that the ſpirit of party, now predominant in both houſes of parliament, is, with regard to the conſtitution, a ſure preſervative againſt thoſe grand oppoſitions of one body in the ſtate againſt the other, which at Rome gave riſe to civil wars and proſcriptions, and was attended with the ruin of the commonwealth.

In fact, the ſame factions are frequent in England in both houſes of parliament, and far from alienating them by raiſing a wall of diviſion, they, on the contrary, bring them together, and become the means of uniting them more cloſely. Like thoſe ebullitions of humour to which man is expoſed in proportion to the ſtrength and vigour of his conſtitution, theſe factions are ſymptoms and effects of the ſtrength of a ſtate, which one of the moſt enlightened political writers † has placed in the vigour and energy of the component parts. Cromwell found means to awe and intimidate the factions, upon the ruins of which he had built his greatneſs: at his death they regained the ground which they had loſt; and the reſtoration of Charles II. was the work of theſe factions ‡.

The union of the three powers in the houſe of peers is the grandeſt ſight which England can preſent

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government, the inconveniences and advantages of which he had made trial of by his own experience, we muſt, without heſitation, give the preference to a limited monarchy. He thought like Plato upon that important ſubject, and both had imbibed the ſentiments of Socrates, their common maſter. See in the Foreign Journal an excellent Diſſertation upon Xenophon.

* *Omnium magnarum rerum, ſicut arborum, altitudo nos delectat; ſtirpes autem et radices non item.* Cic. Orat. The loftineſs of all great things, as of trees, delights us; but their trunks and roots give us no ſort of pleaſure.

† Gravina, de Legibus & Senatuſconſultis.

‡ See Mr. Hume's Diſſertations upon Parties, amongſt his Political and Moral Eſſays.

ſent to the eye of a foreigner: I had the happineſs of enjoying this ſight ſeveral times: the care of introducing me and procuring me an advantageous place made a part of the attention, with which lord Temple was ſo good as to honour me.

The king, inveſted with all the ornaments of his dignity, and accompanied by his brothers, mounted his throne without any other guard than that which ſurrounds a father in the midſt of his family, confidence and reſpect. The lord chancellor and the judges were ſeated at his feet, upon four great wool packs, in a quadrangular figure. On the right of the throne ſtood the ſpiritual lords: the temporal peers filled the remainder of the incloſure, at the bar of which ſtood upon a ſtep the ſpeaker and other members of the houſe of commons.

Nothing is wanting to this auguſt aſſembly but a place anſwerable to its majeſty, a place that might vie with the grandeur and magnificence of Ranelagh. The houſe of peers, in which it is held, is a narrow hall of ſo little extent, that oftentimes[*] part of the lords, finding it entirely occupied, either remain confounded with the people who crowd the outſide of the bar, or are under a neceſſity of retiring. The king himſelf finds it difficult to get to his throne, through the multitude which ſurrounds it[†]. The furniture is ſuited to the ſimplicity of the place: the four woolpacks and plain benches fill the incloſure; the pannels which ſeparate the windows, formed of little panes, are adorned with old tapeſtry of the ſixteenth century, on which is repreſented the defeat of the invincible armada. The throne, raiſed upon a few ſteps and covered with a canopy, is the only ornament that ſtrikes the eye. The king never ſits on it except with the crown upon his head, the ſceptre in his hand, and the royal mantle over his ſhoulders. Of all the different ſorts of dreſs which faſhion could deviſe, none ſhews majeſty to greater advantage than theſe antique ornaments.

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[*] This I was an eye witneſs of at the ſeſſion that was held on account of the regency-bill: the inſide was filled in a great meaſure by a number of ladies.

[†] Ambaſſadors and foreigners, introduced by lords, form this multitude.

The ſeſſions of a Britiſh parliament are a faithful repreſentation of thoſe held by our kings in the thirteenth and fourteenth centuries. To be convinced of their exact reſemblance, the reader need only caſt his eye on the contemporary deſcription given by M. Lancelot in the tenth volume of The Memoirs of the Royal Academy of Inſcriptions and Belles Letters, repreſenting the ſeſſion ſolemnly held by Philip of Valois to condemn Robert d'Artois.

Philip, inveſted with the regal ornaments, and ſeated upon his throne, had, at his right hand, the kings of Bohemia and Navarre; ſomewhat lower ſat eight lay peers; on the other ſide the eccleſiaſtical peers filled a bench, which ſtood in a parallel direction. At their feet ſat upon the ground the members of parliament, and the officers deputed to that meeting *.

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* The count, who was tried and condemned at that ſeſſion, acted in the ſame manner as the conſtable de Bourbon did ſome time after; he ſtirred up England againſt France: *Trojæ et patriæ communis Erynnis*. He had, notwithſtanding, contributed more than any other perſon to raiſe Philip of Valois to the throne, who, as a return of gratitude for ſo important a ſervice, in 1328, erected his eſtate of Beaumont-le-Roger into a peerdom. I have taken from an old regiſter of parliament, and ſhall here lay before the reader, the letters of erection of that peerdom in favour of a perſon equally intereſting both to France and England.

His pretenſion to the county of Artois was not without foundation, if we may believe Meſſieurs de St. Marthe, in their hiſtory of the royal family of France, and the acceſſion of Philip to the Gallic throne formed a legal prejudice in his favour. The gratitude of Philip would, doubtleſs, have declared for him, had it had all that warmth with which the king expreſſes himſelf in the following letters.

Sauval conſiders the mat, which in winter covers the incloſure of the bar of the chambers of parlia-

Philippus Dei Gratiâ Francorum rex: notum facimus univerſis, tam præſentibus quam futuris; quòd nos, juxta legem nobilitatis, & ſponte tribuere & in beneficiis—nobis convenientiſſimum arbitrantes, illam non immeritò perniciem abhorremus quæ merentibus prima ſubſtrabat præmia cum quibus ex exuberantiâ meritorum, propinquitate & perſpicuâ ſervitute penſatis, noſtræ liberalitatis immenſitas et menſura, quorum lucem nec ſub medio convenit occultari, ſed ſplendorem à candelabro luminis rutilantis longè latèque radiorum fulgere diffundi. Claram igitur cariſſimi & fideliſſimi Roberti de Atrebateſio, comitis Bellimontis fratris noſtri *, *propagationem penſantes, ſuorum inſuper ſtrenuitatem actuum, ſanitatem conſilii, laboris aſſiduitatem ultronei, quibus nobis & predeceſſoribus noſtris in regno noſtro liberalitèr & libentèr adeſſe curavit, & cum promptitudine multiformi, ſolertèr inſtitit; comitatum ſuum Bellimontis predicti, in Pareriâ Franciæ, prædicto comitatu, temporibus perpetuis ereximus & erigimus, erectum & creatum decernimus per preſentes, præfatum comitem fratrem noſtrum in parem Franciæ ratione ſuorum comitatûs & Pareriæ prædictorum, ſimilitèr erigentes & pragmaticâ ſanctione perpetuò valiturâ decernimus quòd ipſe, ſucceſſoreſque ſui et heredes ad quos dictum comitatum Bellimontis in poſterum legitimè devenire continget, ipſum comitatum in pareriam, et ut Parerium Franciæ teneant, dictuſque comitatus, cum omnibus pertinentiis ſuis, Pareria Franciæ ſit et perpetuò nominetur; dictuſque frater noſter, ſimili modo par et comes: ſimilem ejus heredibus et ſucceſſoribus univerſalitèr et in ſolidum in dictis comitatu et Pareriâ ſub nomine dignitatis ſuccedentibus, elargientes honorem. Porrò immunitates, honores, privilegia, nobilitates, libertates et jura quæ paribus regni Franciæ, ratione pareriarum competent ſeu competere dignoſcuntur ab olim, præfato fratri noſtro, comitatui et Pareriæ, ſuis heredibus et ſucceſſoribus in comitatu et Pareriâ ſupradictis concedimus et donamus; privilegiis, libertatibus, juribus, et immunitatibus quæ ſibi & comitatui prædicto anteà competebant, in ſuo robore nihilominùs duraturis. Definientes ex certa ſcientiâ & de plenitudine regiæ poteſtatis premiſſa omnia & ſingula, volentes & ſtatuentes & pragmaticè decernentes. Dignum namque, ſicut rationi convenit, arbitramur ut idem frater noſter, ſicut de ſtirpe regum Franciæ claram & propinquam originem traxiſſe non ambigitur, comitatu & Pareriâ predictis perpetuò connexis & eorum juribus tanquam regni Franciæ radiis illuſtretur, & heredes et ſucceſſores habeat dignitatum perpetuo ſplendore coruſcantes: in cujus honore noſtrum augeri agnoſcimus, ſucceſſoreſque noſtros nobiliores ſuorum dignitate. Quod ut firmum et ſtabile perſeveret, noſtrum fecimus præſentibus apponi ſigillum. Actum Pariſiis Anno Domini* MCCCXXVIII, *Menſe Junii.*

Philip by the grace of God king of the French: we make it known to all, as well thoſe who live in the preſent age as to poſterity, that thinking it propereſt for us to return favours according to the law obſerved by noble minds, both of our own accord and to reward merit, we juſtly abhor that vice which deprives

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* He had married, in 1318, Joan of Valois, fruit of the ſecond marriage of Charles of Valois, father of Philip, with Catherine of Courtenai.

ment, as a remnant of this laſt cuſtom. Its place has been ſupplied in England by wool-packs; and in France by thoſe plain ſtools ſpread up and down the court.

the deſerving of their firſt reward, with whom, on account of the exuberance of their merits eſtimated according to their nearneſs to us and their making themſelves conſpicuous in our ſervice, the immenſity of our liberality is the only meaſure, whoſe light ſhould by no means be hid under a buſhel, but its brightneſs be diffuſed on all ſides with refulgent rays. Reflecting therefore on the noble family of our dearly beloved and moſt faithful Robert of Artois count of Belmont, deſcended from our brother, as likewiſe on his own proweſs, wiſdom in counſel, and induſtrious application, whereby he ſerved both us and our predeceſſors in our kingdom generouſly and freely, and with the utmoſt alacrity and good will; we therefore have erected, and declare by theſe preſents erected and created his county of Bellmont aforeſaid into a peerdom of France in the ſaid country, for ever; and we declare by theſe preſents the ſaid count our brother erected and created a peer of France, on account of his earldom and peerdom abovementioned; at the ſame time we decree by the pragmatic ſanction, which will for ever ſubſiſt, that he and his ſucceſſors and heirs, to whom the aforeſaid county of Bellmont ſhall for the future lawfully belong, ſhall hold ſaid county as a peerdom of France; and that ſaid county with all its appurtenances ſhall be a peerdom of France and always be called ſo; and that our ſaid brother ſhall likewiſe be called in like manner a peer and a count: conferring the ſame honour upon his heirs and ſucceſſors, univerſally ſucceeding to the ſame dignity and peerdom in his name. We likewiſe grant and make over the immunities, honours, privileges, titles of nobility, liberties and rights which belong to the peers of the kingdom of France, to our ſaid brother, to his county and peerdom, and to his heirs and ſucceſſors in the county and peerdom above-mentioned; the privileges, franchiſes, rights, and immunities which formerly belonged to him and the ſaid county being notwithſtanding to remain in their full force. Determining from our certain knowledge and the plenitude of our kingly power all and each of the particulars above premiſed, willing them, determining them, and pragmatically decreeing them. For we think it fitting, as it ſtands to reaſon, that our ſaid brother, ſince it is not doubted that he is nobly deſcended from the royal family of France, ſhould be rendered illuſtrious by the above county and peerdom perpetually connected, and by their rights as by rays of the kingdom of France, and that he ſhould have heirs and ſucceſſors to his dignities ſhining with perpetual ſplendour: in whoſe honour we are ſenſible that ours is increaſed and that our ſucceſſors are ennobled by his dignity. That this may therefore remain firm and unſhaken we have cauſed our ſeal to be affixed to theſe preſents Given

At that time the judges in France*, being but few in number, were ſimple commiſſioners, whoſe places could be reſumed *ad nutum* †. The parliaments were held by terms, in virtue of letters patent iſſued for each term; the intervals between them were filled by the grand court or great days, and by the aſſizes which the judges went to hold in the country. The only judge of the bailiwicks and ſeneſchals juriſdictions was at that time the bailiff or ſeneſchal, and afterwards his deputy; this judge, in deliberating upon the moſt knotty points, choſe out aſſeſſors amongſt the advocates, who had only the title of practitioners. That magiſtrate united, in the principal ſeat of the bailiwick, the functions at preſent divided in each town, between the bailiwick, the preſidial, the provoſtſhip, the mint chamber, the election, the ſalt-office, the police, the waters and foreſts, and the cuſtoms; the appeals from his judgments were laid before the only tribunal which the nation had at that time, the court of parliament.

England has retained this unity of tribunal: a unity, ſaid lately one of the oracles of the parliament of Paris, deſirable in a monarchy, and which is

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Paris in the year of our Lord MCCCXXVIII, in the month of June.

* The Engliſh judges come to the upper houſe only to inſtruct the lords in points of law, and to regulate the forms of acts, but they have no deliberative voice.

† See Loiſeau Of Offices, p. 1. c. 3. and b. 3. c. 3. the Hiſtory of Languedoc, &c. *Quia multæ magnæ cauſæ in noſtro parlamento inter notabiles perſonas & magnas aguntur; ordinamus et volumus quòd duo prælati & duæ aliæ ſufficientes perſonæ laicæ de noſtro concilio, vel ſaltem unus prælatus & una perſona laica, cauſas dictas audiendi et deliberandi gratiâ, continue in noſtris parlamentis exiſtant.* Art 45 of Philip the Fair's ordinance of 1302. Becauſe many important cauſes between great and notable perſons are pleaded in our parliament, we command and direct that two perſons, prelates, and two other ſufficient perſons of the laity, ſhould conſtantly attend our parliament, in order to hear and deliberate.

to be found in France, at leaſt as there was not originally more than one court of juſtice *.

The reign of Lewis XI. is the firſt æra of a revolution in this reſpect. The new ſyſtem is the ſubject of a long declamation, in which the author of Anti-Machiavel † inveighs againſt the maxim of that politician: that, in order to have juſtice well and expeditiouſly adminiſtered, there ſhould be a conſiderable number of judges; becauſe few do but little buſineſs, and a ſmall number is more eaſily corrupted.

The perſeverance of England in the ſyſtem originally common to the two nations, is a conſequence of the attachment of the Engliſh to their old laws: perhaps it proves more againſt the new ſyſtem than all the declamations, which turn upon the multiplicity and ‡ venality of the poſts of judicature.

At leaſt theſe poſts, and the bodies which they have created, form an intermediate power in the ſtate, which England wanted at the time that its monarchs enjoyed unlimited authority. Charles VII. and Henry VIII. found in theſe bodies an entrenchment which the enemies of the crown were not able to force: theſe bodies have laboured in a manner

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* The requiſitory of Mr. Seguier, againſt the edict of the chamber of accounts.

† Anti-Machiavel, lib. iii, max. 35.

‡ In Lucian's Dialogue entitled Jupiter the Tragic, Mercury perplexed concerning the places which he ſhall aſſign the gods convened in a general aſſembly, ſays to Jupiter, who had ordered him to regulate precedency according to the metal of which each god was compoſed: "Shall I place a golden god of rude workmanſhip before the brazen gods made by the hand of Myron, or before the ſtone gods which are the work of Policletus, Phidias, or Alcamenes; and does not the excellence of the workmanſhip deſerve a preference? That would perhaps be better, anſwers Jupiter: but place the golden gods in the firſt rank. I underſtand you, replies Mercury; you would have the preference given to riches in the diſtribution of places.

equally efficacious for the good of the people, when it was their ſupreme law.

M. de Monteſquieu concludes, from England's having deprived itſelf of theſe intermediate bodies, that it has at preſent no medium left between ſlavery and liberty. But it ſhould be obſerved, 1. That the ſtate of magiſtracy was always the ſame there as at preſent, and ſuch as it was in France till the branch of Valois came to the throne. The adminiſtration of juſtice was in the hands of a ſmall number of judges, choſen and nominated by the king; and at the ſame time they compoſed his privy counſel. We have ſeen above, in the narrative of the ſtate of England drawn up in the reign of queen Elizabeth, by an ambaſſador of Venice, the power of the kings of that country compared to that of the grand ſignor; and the authority of their judges to that of the divan, compoſed of thoſe baſhas, whom the prince thinks proper to nominate to a ſeat in that aſſembly[*]. Now a body which has only a precarious exiſtence was never an intermediate power.

2. The clergy was the only power in England which could properly be called intermediate: the na-

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[*] M. de Voltaire making uſe of the privilege which heroic poetry has to depict as preſent, either that which is paſt, or that which does not yet exiſt (*vocat ea quæ non ſunt, tanquam ea quæ ſunt*) preſents to the eyes of Henry IV. in the reign of Elizabeth, the government of England ſuch as he had ſeen it under George II.

Aux murs de Weſtminſter on voit paroître enſemble
Trois pouvoirs étonnés du nœud qui les raſſemble,
Les députez du people, et les grands et le roi
Diviſés d'interêts, réunis par la loi:
Tous trois membres ſacrés de ce corps invincible,
Dangereux à lui-même, à ſes voiſins terrible.

"Within the walls of Weſtminſter, we behold three powers aſſembled, who are ſurpriſed at their own bond of union, the repreſentatives of the people, the nobles, and the king, divided by intereſts, but united by law; all theſe ſacred members of that invincible corps, which is dangerous to itſelf, and terrible to its neighbours."

tion diveſted itſelf of this power when it concurred with Henry VIII. to ſhake off the yoke of the clergy, by renouncing the pontifical authority.

That yoke common to all the ſovereigns in Europe was in a particular manner heavy upon England, as appears from the facts laid before the reader above [*].

By what enchantment was all Europe brought to ſubmit to it? By the influence which ſuperior geniuſſes, who know how to avail themſelves of an opportunity, and ſometimes even to ſtart it, have over weak minds.

In the midſt of thoſe ſovereigns, who had juſt ſhared amongſt themſelves the ſpoils of the race of Charlemagne, and whoſe authority, counterbalanced by that of the great vaſſals, differed but little from a real anarchy [†], the popes of the tenth and eleventh centuries ſaw the califs exerciſe over Aſia and Africa a deſpotic power, and enjoy the full right of ſovereignty over the ſeveral ſtates, which ſince the eſtabliſhment of Mahometiſm had formed themſelves in thoſe countries: the quality of vicar of Mahomet was in thoſe pontiff kings, the ſole and unconteſted title of an empire, the knowledge of which Europe had acquired by pilgrimages and voyages beyond ſea †, by the holy wars, and finally by the conqueſts and eſtabliſhment of the Moors in Spain.

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[*] See above, the articles Catholics, Puritans, Architecture, &c.

[†] Under the ſucceſſors of Charlemagne, Europe was a long time, and ſtill is, in many reſpects, in the ſame ſtate in which the empire of Alexander was under that conqueror's ſucceſſors. Bloody and conſtant wars, conqueſts as ruinous as unimportant, fraudulent negociations, captious treaties, efforts to eſtabliſh between powers an equilibrium continually broken by thoſe very efforts; ſuch are the common ſtrokes of the picture preſented to us by the hiſtory of the ſucceſſors of Alexander and Charlemagne [‡]. Thus was the prediction of Cerealis verified, and thus it continues to be verified to this day: *Pulſis Romanis, quid aliud quam omnium inter ſe gentium bella exiſtent?* The Romans being defeated, what other proſpect remains but that of wars among all the nations of the earth? Tacit. Hiſt. lib. iv. ſect. 10. Plutarch ſaw futurity with the ſame eye, when he conſidered the Roman empire as an anchor which ſupported and upheld the globe in the midſt of a ſtormy ſea.

[‡] D'Herbelot, Biblioth. Orient. & Hiſt. of the Califs by M. de Marigny.

By a conſequence of principles equally dear and honourable to Chriſtianity and the Chriſtians, the popes, who likewiſe aſſumed the title of vicars of Jeſus Chriſt, thought themſelves called to the exerciſe of the ſame power; and that ambitious pretenſion, connected with conſcience and religion, being entertained by men of ſtrong parts, was carried on with that ardour, reſolution, and regularity of plan, neceſſary for a project as vaſt in its extent as in the variety of circumſtances attending the execution of it.

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† The commerce eſtabliſhed by theſe voyages, and by the Cruſades, between the three parts of the then known world, tranſmitted to Europe, with the leproſy, a multiplicity of new ideas, and cuſtoms, both civil and religious. Views relative to commerce growing familiar both to the people and to ſovereigns, eſtabliſhed manufactures, peopled cities, encreaſed their circumference, diſtributed the water neceſſary for the conveniency of trades-people, eſtabliſhed public baths, and procured to ſome of thoſe cities public fountains. In imitation of the models which they had ſeen in the Eaſt, our maſons became architects, and executed in the taſte which we call Gothic, and which might with greater propriety be called Arabic, thoſe monuments, whoſe magnitude, boldneſs, and eaſe, we admire to this day. Europe was filled with hoſpitals and hoſpitallers. The derviſes and fakirs, with whom the Eaſt was overſpread, gave birth to the new orders of men who make vows of poverty. The feudal law, by which the empire of the califs was governed, prevailed all over Europe, where it introduced chivalry, romances, and poetry in rhime. The ſciences, which long flouriſhed under the Arabians, paſſed over to Chriſtian ſtates together with univerſities, their regulations concerning ſtudies, and their degrees. (See the Voyage of Leo Africanus) In a word, we brought back from our voyages beyond ſea the uſe of beads, which had long obtained in the Eaſt, and the invention of which the Jacobins and the Carmelites diſpute with each other; each of theſe two orders aſcribing to its founder the honour of having received it immediately from the hands of the mother of God. See Olearius's Voyages concerning the Antiquity of the Roſary and its Diviſions in Perſia.

Chriſt had left his church no means calculated to promote this ſucceſs: the popes ſupplied the want of them by the eſtabliſhment of new orders, either military or religious, that is to ſay, of militias immediately ſubject to their command*; by the inſtitution of univerſities, in which they eſtabliſhed a doctrine agreeable to their pretenſions; by the publication of counterfeit decretals, adapted to the new deſigns; by the cruſades, which they commanded as generaliſſimos; by the creation of the inquiſition and its ſanguinary code; by enſlaving the firſt order of the clergy, whom they diveſted of their dignity; by multiplying biſhopricks, by laviſhly beſtowing exemptions, by reuniting to the tiara the whole plenitude of the epiſcopal authority, by binding the biſhops to take an oath, which thoſe of France ſtill ſwear in the preſence of the nuncio; by totally ſuppreſſing the clergy of the ſecond order; by the excommunication of ſovereigns, and exciting their ſubjects to rebellion; in fine, by a thouſand methods the more artfully combined, as by mutually ſupporting each other, they all contributed to the execution of the main deſign †.

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* The ſpirit of all theſe new bodies, ſays Mezerai, was turned to begging, and they were almoſt all called wallet-bearers. They had no other means to inſinuate themſelves into the church, without alarming the ancient orders, which having ſhared amongſt themſelves the fat of the land, had, at the council of Lateran, obtained from Alexander III. a degree, expreſly forbidding the eſtabliſhment of new orders. The poverty which they profeſſed reconciling all intereſts, they were the graſhoppers which conſumed what the worm had not devoured. With this external appearance, ſo little to their advantage, they notwithſtanding became ſo powerful, ſays the ſame Mezerai, that if they had made a prudent uſe of their proſperity, of the favour of princes, and the affection of the people, they would have become maſters both of church and ſtate.

† I found with aſtoniſhment theſe means diſplayed, and put in a proper light, in the account of the country of Papimania, by Rabelais, whom a long reſidence at Rome among perſons entruſted with the conduct of the moſt important affairs, and an unwearied appli-

The plan was fixed upon, the foundations laid, and the ſcaffolding erected when Gregory VII. was promoted to the papal dignity: he raiſed the ſtructure, finiſhed it, brought it to perfection, and left his ſucceſſors only the care of keeping it in repair.

The enterprize was the more delicate and the ſucceſs of it the more ſurpriſing, as the temporal power was then ſupported by the emperor Henry IV. a champion who exhauſted all the reſources of policy and courage, to untie or break the knot with which the pope attempted to bind him; a champion who having obtained forty victories, in ſpite of the numerous bulls of excommunication condemning him to gain no more, would have brought the popes to reaſon, if he had not been abandoned by all the ſovereigns in Europe, whoſe common cauſe he aſſerted, but who thought their power confirmed by the weakening of the imperial authority.

The ſucceſſors of Gregory VII. have, through gratitude, enrolled that pontiff amongſt the ſaints: philoſophers, well verſed in hiſtory and acquainted with the revolutions which have changed the face of the earth, will more properly place him in the ſame claſs with thoſe extraordinary perſons, whoſe pro-

application, had furniſhed with uncommon lights, which he applied to Roman politics: this narrative would be alone ſufficient to juſtify the judgment paſt upon that merry writer by an author as delicate as his authority is unſuſpected: “Rabelais, with much wit and reading, had an art peculiar to himſelf, of ſaying many things in jeſt, that conveyed good inſtruction, and often of uttering impertinencies without tiring the patience of the reader.” Fontenelle, Hiſtory of Oracles, c. 18. The letters of John du Bellais, which form the capital part of the proofs of the hiſtory of the divorce of Henry VIII. are exceedingly intereſting, by reaſon of the anecdotes they contain, and likewiſe on account of a thouſand ſtrokes of raillery and mirth, which ſeem to diſcover the pen of Rabelais, who then attended John du Bellai, with the title of ſecretary. If theſe ſtrokes came from the ambaſſador himſelf, he deſerved to have Rabelais for his confidant, his gueſt, and his friend: he, doubtleſs, was of opinion, that gaiety is no way prejudicial to buſineſs.

found views and dauntleſs courage have determined thoſe revolutions.

Boniface VIII. afterwards merited an apotheoſis on the ſame account. Gregory VII. and his ſucceſſors, whoſe ſole aim was to extend the pontifical power, had neglected the ornaments and external ſigns which announce it: this negligence, whether the effect of pride or policy, was agreeable to the maxims which prepared the Romans for the conqueſt of the world *. Till the days of Boniface VIII. the papal mitre, which was ſhaped like a ſugar-loaf, had nothing to diſtinguiſh it from theſe of other biſhops. That pope added to it two crowns, to which his ſucceſſors have joined a third; and theſe three crowns which at preſent form the tiara, were emblems of ſupreme monarchy over the three parts of the then known world: a meaning clearly indicated as well by the name of the tiara, which at the Vatican is called *il regno,* as by the terms of the proclamation which to this day accompanies the coronation of the pope: *Scius,* ſays the perſon who reads it, *te eſſe patrem (alias regem) regum et principum, rectorem orbis.* The adoration which the popes cauſed to be paid to them, was likewiſe an imitation of the homage which the califs received from the people and from the Mahometan princes who approached their throne: they made them three profound bows, at the ſecond they proſtrated themſelves, at the third they kiſſed the ground upon which they trod †.

Gregory VII. and Boniface VIII. not yet attempting to claim infallibility, had neglected to avail themſelves of the ſureſt engine that could enable them to reign over the temporal by the ſpiritual power:

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* *Apud Romanos jus valet imperii, cætera tranſmittuntur.*

† See d'Herbelot, and the 49th chapter of the thouſand and one nights.

this diſcovery was reſerved to the canoniſts of. th fourteenth and fifteenth centuries, and to the caſuiſts, moſt of whom were Jeſuits. Before this diſcovery, univerſal monarchy appeared to St. Bernar to be a mere whim *; *but he would have though otherwiſe of it, if in his time infallibility had been erected into a dogma.*

The court of *Rome appears at preſent, if not to* have been abandoned, at leaſt to have loſt ſight of theſe ambitious claims; but, unſhaken in her principles, ſhe knows how to comply with the times, to take her meaſures according to circumſtances, and to wait with patience for revolutions which are often the work of time and fortuitous contingencies. Her political code is that which a German wanted to introduce in phyſic by the treatiſe, *De modo Curandi Morbos Expectatione.* Men who are ſufficiently phlegmatic, patient and ſupple to carry on this plan of policy, find it ſo much the ſurer method, as in matters of opinion the human ſpecies in general, and each individual in particular, being ſubject to variations ever advantageous to thoſe who know how to avail themſelves of them, are conſtant only in their inconſtancy. It is by this art that the popes have ſucceeded in rendering their election independent, firſt of the confirmation, and then of the concurrence of the emperors: it is by this art that Clement XI. in our days came off victorious in his differences with the court of Vienna, and with the regency of France after the death of

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* *Si uſurpare audes aut dominans apoſtolatum, aut apoſtolicus dominatum, planè ab alterutro prohiberis: ſi utrumque ſimul habere velis, perdes utrumque.* De Conſ. l. ii. c. 6. "If whilſt you govern, you deſire to aſſume the apoſtolical character, or whilſt inveſted with the apoſtolic character graſp at power, you muſt be diſappointed in one of your aims. If you are ambitious of both, you muſt loſe both." A prediction in part accompliſhed by the proteſtant ſtates withdrawing their obedience from the ſee of Rome.

Lewis XIV. That pontiff had found, by his own experience, in the moſt brilliant period of his reign, how much the Roman phlegm has the advantage over the *furia Franceſe.*

No author, that I know of, has conſidered the government of the Mahometan califs as the principle and ſeed of the claims of the court of Rome to univerſal monarchy. This diſcovery to which I have been led by the identity of the epochas, may juſtify, if not thoſe popes who have ſacrificed every thing to thoſe pretenſions, at leaſt ſuch as not knowing how to extricate themſelves out of the defile into which they had got entangled, have piouſly imagined that Chriſt, who had declared in expreſs terms that *his kingdom was not of this world*, at leaſt ſhould not in the perſon of his vicar yield to Mahomet, who reigned by his. Beſides, if we conſider the ſtate of Europe during the periods in queſtion, theſe pretenſions might probably have been its ſtrongeſt bulwark againſt the torrent of the Mahometan arms, which after having invaded Aſia, Africa, and Spain, threatened to ſwallow up the reſt of the globe.

Be that as it will, as credulity gains upon us and increaſes in proportion to diſtance *, of all the ſtates of Europe England was that in which the pretenſions of the popes met with the moſt favourable reception. The way had been but too well paved for them: the enthuſiaſm of the monk Auguſtin, of his aſſiſtants and their ſucceſſors, had produced its full effect upon a people diſpoſed to enthuſiaſm by their natural conſtitution. Several kings of the Saxon dynaſty were ſeen to quit the throne, and repair to Rome, in order to end their lives in the monaſtic habit, at the feet of his holineſs: in a fit of zeal, ſtill more indiſcreet, one of thoſe ſovereigns had made his kingdom tributary to the holy ſee: in fine, John Lackland, after having offered his kingdom in vain to the Miramolin of Africa, was willing to hold it as a fief of the church of Rome.

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* *Major e longinquo reverentia.* Reſpect is greateſt to things diſtant. Thus in mechanics, the power of a lever is proportioned to its length.

Upon theſe titles the popes reigned over England, even at the times wherein all Italy, provoked with the pontifical ſuperciliouſneſs, left them no place to reſt their heads in. During this period, Peter de Blois wrote to Alexander III. in the name of that king of England who moſt vigorouſly aſſerted the rights of his crown: "England acknowledges you as its ſovereign lord, the feudal laws have made it depend upon you, it is held only of you *." It is true Henry II. who was repreſented as ſpeaking in this manner, was then contending with his revolted ſon Henry.

In thoſe ages of ignorance and barbariſm the northern countries of Europe had returned to the ſtate, in which Dion Chryſoſtom beheld them five centuries before. "The Druids reign there, ſays that author, in the midſt of the luſtre and ſplendor of the throne; the kings are in fact only the executors of the orders, deciſions, and inſpirations of prieſts †."

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[*] *Veſtræ juriſdictionis eſt regnum Angliæ; et quantum ad feudatorii juris obligationem, vobis duntaxat obnoxius teneor.* Petri Bleſenſis, Ep. 136. The kingdom of England belongs to your juriſdiction, and with regard to feudal law, I am bound to you only. In virtue of this right, Innocent III. in the next century, gave England to Philip-Auguſtus, king of France.

[†] Ὧν ἄνευ τοῖς βασιλεῦσιν οὐδὲν ἐξῆν πράττειν οὐδὲ βουλεύεσθαι. ὥστε τὸ μὲν ἀληθὲς ἐκείνους ἄρχειν, τοὺς δὲ βασιλέας αὐτῶν ὑπηρέτας ϗ διακόνους γίνεσθαι τῆς γνώμης ἐν θρόνοις χρυσοῖς καθημένους, ϗ οἰκίας μεγάλας οἰκοῦντας, ϗ πολυτελῶς εὐωχουμένους. Dion. Chryſoſt. Orat. 49. They were not allowed to do any thing, or take any reſolution without the concurrence of theſe; ſo that in fact, it is they that govern, and kings become the miniſters and agents of their will, tho' ſeated upon their golden thrones, living in palaces, and wallowing in affluence and

About five centuries after, we find in the ſame countries the ſame ſubordination of the ſecular authority to the eccleſiaſtical power. The ſecond council of Maçon, aſſembled in 585, after having, by the ninth and tenth canons, ſecured the immunity of churchmen, an immunity ſince extended to their poſſeſſions, eſtabliſhed in the fifteenth canon the moſt mortifying diſtinctions between the clergy and the ſeveral orders of the laity: "If, ſays this canon, a layman meets with an eccleſiaſtic, let him pay him all the honour due to the rank which he holds amongſt Chriſtians. If they are both on horſeback, let the layman, taking off his hat, humbly ſalute him. If the churchman happens to be a-foot and the layman on horſeback, let the latter alight and do him all the offices which the humbleſt charity preſcribes. If any perſon, adds the canon, preſumes to tranſgreſs this law, dictated by the Holy Spirit, let him be ſuſpended and continue ſo, as long as his biſhop ſhall think proper."

In the ſucceeding centuries the biſhops ſhared thoſe golden thrones and all the external luſtre, which, as Dion informs us, the Druids left to princes: the inthroning of theſe prelates was accompanied with all the pride and pomp of regal power. The ſovereigns, upon taking poſſeſſion of the throne, contented themſelves with making their appearance on horſeback: the biſhops of the tenth century added thereto the ceremony of cauſing themſelves to be carried a conſiderable way, upon the ſhoulders of the firſt noblemen of the kingdom, to whom when they granted in-

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and luxury. This paſſage has eſcaped the inquiries of Don Bouquet, and of M. Duclos, who, in his Memoirs upon the Druids, inſerted in the Collection of the Academy of Inſcriptions and Belles Lettres, conſiders the government of the Gauls only as an ariſtocraçy, excluſive of all royalty.

feoffments expreſly upon that humiliating condition[*]. A brother of St. Lewis was ſummoned by a biſhop of Paris to pay to him in perſon that duty, which Philip Auguſtus had paid him by procuration, as lord of Corbeil and Mont l'Hery, and which Charles the Wiſe, and his ſucceſſors, down to Charles IX. excluſively, paid to the biſhops of Auxerre ſince that country had been reunited to the crown[†]. The Bouchards, and the Mathews de Montmorency, who were bound to pay this homage to the biſhop of Paris, thought themſelves thereby the more honoured, as they held the firſt rank amongſt the barons who ſhared in their ſervitude. Hence their title of the firſt barons of Chriſtendom: a name at that time peculiarly adapted to ſignify the court, the juriſdiction, the rights, and all the prerogatives of epiſcopacy[‡]. Hence, without doubt, the military cry of the houſe of Montmorency: May God aſſiſt the firſt Chriſtian baron.

Thoſe of the ancient family of Chevreuſe ſhared that honour, on account of the eſtate of Chevreuſe, which was likewiſe a barony depending upon the croſier. They were for the ſame reaſon vaſſals of the abbey of St. Dennis. In a title of 1226, inſerted amongſt the proofs of the genealogy of Montmorency, they expreſly ſtipulated, that they ſhould be conſecrated to the honour of bearing the banner of St. Dennis; and, in the following century, a nobleman belonging to that family, whilſt he diſcharged that honourable office, was killed at the battle of Mons en-Puelle.

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[*] See Gallia Chriſtiana, and the particular hiſtories of moſt of the dioceſes in France.

[†] See the Hiſtory of Auxerre, by the Abbe le Bœuf.

[‡] See the article of the Church of England, and the Dictionary of Du Cange, at the word Chriſtianity.

During the ſame periods the high barons of England had the ſame emulation to carry the biſhops and the banner of the monks. In England and France theſe vain honours, and humiliating diſtinctions, extended to the poſſeſſions of the clergy, to their prerogatives, and to all their claims. I ſhall cite, with regard to France, an example related by don Mabillon *, and taken from Stephen of Paris.

Lewis the Younger coming to Paris from ſome part of Brie was benighted at Creteil, and lay there, after having ſupped at the expence of the inhabitants, whom the dean and chapter then reckoned amongſt their vaſſals. The canons having early in the morning received information of this encroachment on their prerogatives, were greatly incenſed, and ſaid, the church is ruined †, its privileges are deſtroyed: either the king ſhall indemnify us for the expence incurred at Creteil, or ſervice ſhall no longer be celebrated at our church. In fact, the king having upon the ſame morning repaired, according to cuſtom, to Notre Dame, found the church doors ſhut; and upon aſking the reaſon, he was anſwered thus: Sire, you are yourſelf the cauſe of this ſtep. In contempt of the immunities and privileges of our church, you ſupped yeſterday at Creteil, at the expence of the vaſſals of that place, and we have ſhut up our church, being reſolved to run all riſks in order to procure redreſs for that encroachment. "I have made no encroachment, nor had I any ſuch intention, an-

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* Annal. Bened. Tom. vi.

† In the following century, the deputies of the clergy ſaid to St. Lewis, by the mouth of the biſhop of Auxerre, *Guy de Mello*: "Sire, know that you ſuffer all Chriſtendom to be ruined, and that it is ruined in your hands;" whereupon the good king croſſing himſelf, ſaid: "Tell me, biſhop, how that comes about?" Having thereupon heard what the matter was, he made anſwer, that he could not do otherwiſe. Joinville.

ſwered the devout monarch; I happened yeſterday to be benighted at Creteil, when I was prevailed upon by the civility of the inhabitants to accept of a ſupper. I repent of my complaiſance: let the biſhop come to me with the dean, let the whole chapter join them, and above all the canon who officiates in this village. If I am in the wrong, they ſhall determine what ſatisfaction I am to make; if I am innocent, I expect my juſtification from themſelves." The king continued to pray at the church-door, whilſt he waited the coming of the biſhop and the chapter. Upon their arrival the church-doors flew open, the king entered, and gave as ſecurity for an indemnification, ſhould there be a call for it, the perſon of the biſhop himſelf, and as pledges his two ſilver candleſticks. In fine, in teſtimony of his firm reſolution to give the ſatisfaction required of him, he laid a wand upon the altar of the cathedral of Notre Dame, with the promiſe written upon it. This is ſaid to be the ſame wand which one of the choriſters of Notre Dame holds every Sunday before the eagle, during the ceremony of ſprinkling holy water.

What a ſpectacle then would Dion Chryſoſtom have beheld throughout Europe, had he returned to life about the eleventh century? A multitude of ſovereigns proſtrate at the feet of the great Druid *. diſputing with each other the honour of holding his

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* This ſlavery of the princes was unavoidable during the feudal law. It eſtabliſhed their authority over vaſſals jealous of their rights, which they found themſelves in a ſituation to cauſe to be reſpected. The firſt contributions foreign to the feudal rights were levied by the authority of the pope. Now, it was the policy of ſovereigns to endeavour, by their ſubmiſſion, to raiſe the credit of an authority which was become the foundation of the moſt intereſting part of theirs. The ſame policy ſhould have kept this ſubmiſſion within due bounds.

ſtirrup, waiting upon him at table, receiving orders from him, ſubject to the admonitions and authority of his legates, croſſing the ſeas to fight againſt thoſe whom he had declared his enemies, governing their territories by his directions and by his orders, ſurrendering him that capital article of their authority, which aſcertains the rights of property, by ſuffering bulls, renewed in every pontificate, to be the firſt title of the poſſeſſions and rights of the whole body of the clergy; in a word, the moſt powerful and the moſt abſolute of thoſe ſovereigns expiating, by the moſt ſolemn and the moſt humiliating pennance, his temerarious attempts againſt the ſacerdotal authority *.

Upon an examination of the internal ſtate of theſe kingdoms Dion Chryſoſtom would have ſeen Druids at the head of each ſovereign's councils, he would have ſeen them ſuperintend the education of young princes, he would have ſeen them the oracles of ſupreme juſtice †, the chiefs of a juriſdiction ‡ which had abſorbed all others, proprietors of the greateſt part of the inferior tribunals, born the judges and arbitrators of all conteſts and diſputes §; in fine, Druids of a third order, ſome of whom

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* See the Hiſtory of Henry IId's reign.

† The chancellor of the kings of England and France were generally choſen out of the epiſcopal order. Their privy-council, and their parliament had ſcarce any magiſtrate but ſuch as were clergymen. At Paris, ſeveral of theſe magiſtrates were at the ſame time curates, either in town or country, at the diſtance of five or ſix leagues: the eccleſiaſtical counſellors at preſent are repreſentatives of the primitive body of our magiſtrates.

‡ The eccleſiaſtical juriſdiction, called by way of diſtinction, the court of Chriſtendom.

§ Between laymen, and even between the laity and the clergy, or monks. The Gallia Chriſtiana, the Benedictine Annals, the Hiſtory of the Dioceſe of Paris, by the Abbé le Bœuf, abound with examples of ſuch arbitrations. I ſhall mention amongſt others that of the compromiſe of Hervè of Chevreuſe, accuſed in 1264, of depredations on the priory of Yvette, and the Abbey of St. Maur. Two canons of Paris, and a canon of were excluſively entruſted with the care of all thoſe acts which bind men to ſociety; others again with the inſtruction and education of the riſing generations; ſome, who by the rules of their order had been enjoined ſtrict ſilence, buſied in tranſmitting to poſterity a hiſtorical narrative of events which they ſaw through the medium of monaſtic prejudices †; others again performing the functions of lawyers and attornies, or practiſing ſurgery and phyſic.

Theſe three orders, united by a common intereſt and actuated by the ſame principles, formed in each ſtate an intermediate power, which too often ſpread alarms and terror round the thrones of Europe; a power to which every intereſt but its own was always foreign.

Moſt hiſtorians look upon the haughtineſs and inflexibility of Clement VII. as the ſource of that revolution which deſtroyed the power of the clergy in England: reflecting on this important event, I have fallen into a train of thoughts, which as

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Poiſſy, choſen for arbiters, condemned Hervè in ten marks of ſilver, and his followers, who had carried off ſome horſes, and committed depredations upon the poultry, to make three proceſſions to Yvette, to Chevreuſe, and to St. Maur, in a plight as humbling as remarkable for an appearance of buffoonry. The parliament of Paris condemned to the ſame puniſhment the lay-officers who encroached on the eccleſiaſtical juriſdiction. See the Hiſtory of the Dioceſe of Paris, Tom. viii. p. 40. of the Firſt Part, and the Proofs of the Hiſtory of Auxerre, Tom. ii. p. 65.

† All the ſcience of Europe, after having been corrupted and almoſt extinguiſhed by the ravages of barbarous nations, was almoſt entirely cloiſtered up amongſt thoſe called the clergy, who being, by their profeſſion, totally alienated from the affairs of this world, have ſpoken of matters which are the chief ſubjects of hiſtory, not only as clergymen may be ſuppoſed to do of arms; but, which is ſtill worſe, as perſons born blind may be ſuppoſed to do of colours. Pithou, in the Introduction to his Memoirs concerning the Counts of Champagne.

they ſeem to afford ſome new lights, I ſhall ſubmit to the conſideration of the reader.

After the councils of Baſil and Conſtance, European ſovereigns found the court of Rome as tractable as it before had been the reverſe. The affair of Henry VIIIth's divorce, preſents us with an extraordinary example of a reſiſtance and reſolution the more aſtoniſhing, as they were leſs to be expected from the character of Clement VII. Cardinal Wolſey conceived the firſt idea of this divorce, in circumſtances when every thing ſeemed to inſure its ſucceſs. He had juſt acceded upon his maſter's account to the alliance between France, the pope, and the Venetians: he looked upon the divorce as a ſecure battery againſt the emperor; but he did not foreſee the pillaging of Rome, the impriſonment of the pope, his complete reconciliation with Charles V. and the ſuperiority which theſe extraordinary accidents were likely to give this prince, whoſe oppoſition formed the only knot of a difficulty, which it was in vain to attempt to ſolve by Leviticus, by Deuteronomy, and by the ſuffrage of ſcholaſtic doctors and the opinions of univerſities. The pope exhauſted all the artifices of his countrymen to avoid coming to a deciſion, and endeavoured to ſhew Henry VIII. that it was out of his power to determine the matter. He even went ſo far as to ſuggeſt to him to have the affair examined into and decided in England, without his concurrence, expreſſing his regret that the king had not followed the advice, which, at the very beginning of the affair, had been given him by the prelates of his kingdom, an advice which had been oppoſed by cardinal Wolſey upon pretext of deference for the holy ſee, but in reality becauſe he then found as much facility as ſecurity in recurring to Rome.

The Engliſh hiſtorians, even Mr. Hume himſelf, have neglected to diſcuſs this point, which is of the greater importance as it determined the diſgrace of Wolſey, and as it ſeems to diſculpate the court of Rome of the inflexibility which it is accuſed of, and which it could not avoid ſhewing, ſince it was become entirely dependent on Charles V *.

Ever ſince this important revolution, the clergy of the church of England have retained part of their ancient authority, which thoſe of the Gallican church

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* I meet with a proof of this fact, in a letter written to the legate Campeggio, in the pope's name, by cardinal Salviati, and inſerted in a Collection of Lettere di XIII. Huomini Illuſtr. fol. 28. N. S. *(Il papa) ſà e dagli effetti a conoſciuto l'ottima mente del reverendiſſimo ed illuſtriſſimo Monſignor Eboracenſe, verſo le coſe della ſede Apoſtolica; ed hà per certo che con medeſimo animo ſi moveſſe S. S. reverendiſſima a fare che il ſereniſſimo Ré domandaſſe un legato per queſta coſa, con tutto che da Prelati del regno li foſſe detto che poteva far ſenza. Ma voleſſe Iddio che S. S. Reverendiſſima aveſſe laſciato corren la coſa, perche ſe il ré l'aveſſe determinata ſenza l'autorità della ſantità ſua, o male o bene che aveſſe fatto, ſaria ſtato ſenza colpa ſua e biaſimo ſuo!* "Our lord, the pope, knows, and from fact. has diſcovered the good intentions of the moſt reverend and illuſtrious cardinal of York, with regard to the affairs of the apoſtolical ſee; and it is his firm opinion, that the moſt reverend cardinal ſhould, with the ſame good intention, endeavour to perſuade the moſt ſerene king to apply for a legate to tranſact that affair, though he has been told by the prelates of his kingdom, that he might do without one. But would to God, that the moſt reverend lord cardinal had let the affairs run on, becauſe, if the king had determined it without the authority of his holineſs, whether he had done well or ill, it would have paſſed without any fault of his, and without his incurring any cenſure!"

The pope himſelf ſpoke in this manner to the agent of Henry VIII. who gives that prince an account of what his holineſs ſaid in a Latin diſpatch of the 17th of September 1528, inſerted in the Proofs of the Hiſtory of the Divorce, by the Abbé le Grand, p. 116. *Agant*, ſaid the pope to him, *agant per ſe ipſos quod volunt, legatum remittant, eo prætextu quòd in cauſam ulterius procedi nolunt; et deinceps, ut ipſis videbitur, rem conficiant, modo ne, me auctore, injuſtè quidquam agatur.* "Let them, ſaid the pope, do whatever they think proper of themſelves, let them ſend back the legate upon pretext that they do not chuſe to proceed any farther in the affair; and then let them determine as they think proper, provided they do not do any injuſtice by my authority."

had long ſince loſt; but they no longer have preſerved that weight, which, through the toleration of ſovereigns and the force of habit, makes the clergy in other countries ſupport the rank of an intermediate power. They have loſt it, as well by their entire independence upon any foreign power, as by the rules which the kings of England have preſcribed to themſelves, in the choice of perſons intended to fill the firſt dignities in the ſtate.

Before the reformation, the great ſees having fallen to the lot of the firſt nobility, were often filled by the brothers or ſons of the ſovereign. William the Conqueror, king Stephen, Henry III. Henry IV. had brothers inveſted with the epiſcopal dignity, Henry VII. intended his youngeſt ſon for the ſee of Canterbury; there is even mention made of kings, ſuch as Ethelwolfe the ſon of Egbert, who paſſed from the epiſcopal chair to the throne. What an additional importance did perſons of ſuch quality and rank give to the eccleſiaſtical order?

The choice of biſhops being afterwards determined not ſo much by birth as by merit, thoſe prelates, who anſwer the hopes conceived of them, and to which they owe their exalted dignity, ſupport by their perſonal abilities, a rank which has of itſelf engaged every thing capable of conciliating and ſecuring the reſpect and veneration of the people. Thoſe whom favour alone has raiſed to the epiſcopal dignity, being engaged by the care of aggrandizing their families, depend on the court only both by gratitude and expectation.

When in the former ſtate of things, the number of temporal peers was counterbalanced by that of lords ſpiritual, the ſuffrage of the latter had a weight that it has loſt by the ſucceſſive multiplication of lay peerages, which are at preſent to the former in the ratio of ten to one.

This diſproportion has an influence on affairs purely eccleſiaſtic: it is in parliament, with the aſſiſtance of the lay peers and by the authority of the king, the head of the church of England, that regulations concerning the diſcipline, and even deciſions relative to the dogmas of religion, are determined and promulged. This method, ſo whimſical and ſo oppoſite to the modern practice, was notwithſtanding that which was followed by the Gallican clergy under Charlemagne and the ſovereigns of his race: to be convinced of this it is ſufficient to open their capitulars *.

The Engliſh character, and their love of freedom of thought, are new obſtructions to the reunion of the Engliſh clergy in a party oppoſite to the court, ſo long as their body is in no danger.

Before the Tudors came to the throne, the whole power of the clergy ſprung from their being united, and that union was the effect of the immediate influence of the court of Rome, which by means of a center of unity gave the mutinous clergy the means of rallying.

Since the Reformation, the conforming clergy continued conſtantly attached to the intereſts of Charles I. who from a principle of conſcience defended their prerogatives and rights, as inſeparable from thoſe of his crown. The ſame intereſt kept them afterwards cloſely connected with king William, in oppoſition to James II. who had conſpired their

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* The baſis of this form was the rule obſerved by the primitive church. *Quod omnes tangit, in commune debet conſuli.* "What affects every body ſhould be the ſubject of a general conſultation." It was likewiſe eſtabliſhed in Spain under the Viſigoth kings.

ruin: in all ſimilar conjunctures they will certainly ſide with the prevailing party*. This union will be cemented by the fear with which they are inſpired by the vicinity of the non-conforming ſects, ſeparated from them by a wall, which would be ſcarce able to reſiſt the efforts of a ſovereign determined upon throwing it down. An enterpriſe of this ſort, properly prepared, and ſupported with vigour, would meet only with political obſtacles from the parliament, and in the ſuperior clergy only a weak reſiſtance; ſo long as the members of that body are not choſen out of the nobility, who would be thereby intereſted in its preſervation.

I confine myſelf to theſe obſervations to prove how much the preſent clergy of the church of England differ from the ancient Engliſh clergy, how peaceable they are, and how far they have ceaſed to be an intermediate power in the ſtate.

Stript of this power, and at the ſame time deprived of that which France at preſent owes to its magiſtracy, the Britiſh conſtitution finds an equilibrium in the parliament and the royal prerogative, an equilibrium which ſtrengthens and ſecures it alike againſt ſlavery and anarchy.

This equilibrium derives its whole force from its indiviſibility, which has been broke only on two occaſions: during the uſurpation of Cromwell; and at the convention which placed the crown of James II. upon the head of his ſon-in-law: but its ſeparated parts made an effort to cloſe and unite again: and their reunion was as prompt as it was ſolid.

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* Mr. Hume in the 11th of his Political Eſſays, lays it down as a maxim, that in all ages prieſts were enemies to liberty: a conduct founded, ſays he, upon reaſons which have equal force in all times, and in all countries; that is to ſay, upon intereſt and ambition; from whence he infers, that in England the clergy of the eſtabliſhed church will always adhere to the court party.

The union of theſe two powers is ſecured and, as it were, cemented by the very efforts which, to all outward appearance, tend continually to diſunite them: they derive from the very conſtitution of the ſtate ſeveral means of mutually awing and checking each other *, independent of a thouſand little ſprings, which private intereſt puts in motion, according to the circumſtances of affairs. If we would ſee them perfectly agreed, we ſhould conſider them in the periods remarkable for wars againſt France. Yet the fruit of theſe wars, as deſtructive as the gold of Tholouſe, was in all ages to England the ſource of the moſt fatal revolutions; thoſe, for example, which followed the triumphs of Edward III. and Henry V.

THE KING.

Places in the church, in the law, in the ſea and land ſervice; in a word, all the diſtinctions, all the favours, all the employments, whether honourable or lucrative, being in the king's gift, the people of England find themſelves bound to the throne by ties the moſt capable of connecting and fixing men; I mean thoſe of avarice, ambition, hope, and that multiplicity of paſſions which are founded on perſonal intereſt.

But theſe tumultuous paſſions require the utmoſt dexterity in the hand which undertakes to direct them: a dexterity that unites, with regard to England, all thoſe parts, from the combination of which, politicians, antient and modern, have framed the great art of reigning, *regnandi artes*. The advice which Phœbus gave his ſon before he put the reins of his chariot into his hand, ſeems to be addreſſed to a prince, who aſcends the throne of England †.

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* See Spirit of Laws, and Mr. Hume's Hiſt. of England.

† *Parce, puer, ſtimulis; ſed fortiùs utere loris:*
Sponte ſuâ properant: labor eſt inhibere volentes.——

If it be a difficult matter for a king, deſirous of reigning by himſelf, to carry this advice into execution; with what difficulties muſt it be attended with reſpect to miniſters, whoſe precarious authority borne with impatience by a thouſand rivals, odious to all thoſe whom it is unable to oblige, blamed for every unlucky accident, obliged even to juſtify the moſt proſperous events, ſtruggling with all the irritated paſſions, is conſtantly expoſed to the moſt rude contradictions, to the moſt obſtinate oppoſition, to the moſt ſevere canvaſſing, and the moſt bitter ſatire!

Such was the ſtate of thoſe miniſters whom, after the introduction of democracy into the Engliſh conſtitution, the ſovereigns of that country have honoured with their confidence; a confidence which has coſt ſome of them their lives.

Gratitude was never the virtue of democracies: how many examples of ingratitude occur in the Greek and Roman hiſtories! Modern hiſtory repreſents to us commonwealths conſtantly animated by the ſame ſpirit. The murder of Barnevelt, and that of the two de Witts, are upon a par with the moſt atrocious attempts which a mob, involved in the darkneſs of Paganiſm, has ever dared againſt its chiefs and benefactors.

In England, as well as in all governments democratical, or almoſt democratical, miniſters of ſtate are undaunted pilots, who in both hemiſpheres inceſſantly bid defiance to rocks, tempeſts, and ſhipwrecks. If we compare them to thoſe who in other countries have the adminiſtration of government, the command of armies, the conduct of negotiations, or the direction of the

Nec preme, nec ſummum molire per æthera currum.
Altius egreſſus, cœleſtia tecta cremabis;
Inferiùs, terras: medio tutiſſimus ibis——
Inter utrumque tene. Fortunæ cætera mando. Metam. lib. 2.

finances, we ſhall conſider the latter only as mariners, who ſailing with the current of a peaceable river, never loſe ſight of its banks.

But no adminiſtration was overcaſt with ſuch conſtant ſtorms as that of the earl of Bute, who ſat at the helm of affairs at the beginning of the preſent reign, being raiſed to that exalted dignity by the princeſs dowager of Wales, mother to the king: an adminiſtration which in many reſpects may admit of a parallel with that of cardinal Mazarin.

The greateſt, the moſt unexpected, and the moſt flattering ſucceſſes on the part of England, had brought France to wiſh for peace, and accept it upon conditions as honourable as advantageous to the Engliſh nation *. The enemies of lord Bute laid hold of that very peace to attack his adminiſtration, juſt as thoſe of cardinal Mazarin availed themſelves of the continuance of the war with Spain. Mazarin weathered out the ſtorm, alternately combating it with Italian ſuppleneſs, and a reſolution unknown to his country: he died deſpotic maſter of the ſtate. Lord Bute, oppoſed the ſtorm with all the coolneſs natural to the Engliſh, and after having concluded the peace and carried it into execution, quitted his poſt when the danger ſeemed to be totally vaniſhed: he then contented himſelf with governing in the name of Mr. George Grenville, brother to lord Temple, and brother-in law to Mr. Pitt, both the declared chiefs of the party in oppoſition to the court.

I have been told that lord Bute is grandſon to the famous Sir George Mackenſie, who being ſprung

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* In the ancient wars with France, ſaid an Engliſh prelate, preaching before the parliament, after the peace of 1713, the nation exhauſted its men and money, to purchaſe vain-glorious trophies; and its impoveriſhment was generally followed by a civil war.

from one of the moſt illuſtrious families of Scotland, acquired a diſtinguiſhed reputation in the univerſities of Scotland and England by his learning, was an honour to the bar of Edinburgh by his abilities, was admitted a member of the privy-council by king James II. and enriched the republic of letters with ſeveral works on morality, law, and polite literature, replete with ingenious diſcoveries. Amongſt the firſt it will be ſufficient to name one entitled *Moral Bravery*, wherein the author maintains that, abſtracted from all other motives, the point of honour alone obliges men to be virtuous. The pureſt ideas concerning the eloquence of the bar are diſplayed in a work which he publiſhed in 1684, entitled *Idea Eloquentiæ Forenſis*: a work which has not yet had any effect in England. Honoured by king Charles II. with the title of viſcount of Tarbat, queen Anne added to it that of earl of Cromerty.

The earl of Bute has inherited by his marriage with the heireſs of Wortley Montague the whole wealth of that family, one of the richeſt in England. That heireſs is daughter to the celebrated lady Wortley Montague, who firſt introduced into Europe the cuſtom of inoculating for the ſmall-pox, and whoſe Letters concerning the Turkiſh Nation were lately tranſlated into French. That lady left behind her a ſon, of whom I have already made mention, vol. i. but who being diſinherited by his father, lives the life of a philoſopher upon a penſion of 1500l. a year.

The king of England has all the ſea and land forces at his diſpoſal; but that article of his prerogative is no way dangerous to public liberty: it was but of little avail to Charles I. and James II.

The hiſtorian of the parliament of England maintains that "Engliſh liberty can never be in any danger, except under a king, who ſhall force the Engliſh people to love and eſteem him." Men rarely love thoſe who force their eſteem, neither do they always eſteem thoſe whom they love. The wiſeſt prince that ever reigned in England, of which he is called the Solomon, I mean Henry VII. was eſteemed, but hated by his ſubjects, notwithſtanding all the right he had to their love, as lord Bacon tells us in expreſs terms in the life of that prince.

Queen Elizabeth, whoſe memory is at preſent as dear to England as that of Henry IV. is to France, was inceſſantly expoſed to plots and conſpiracies. Several weakneſſes were laid to her charge: ſhe was reproached with having falſe political views: but hiſtory has juſtified her conduct, and given her thoſe encomiums which ſhe richly deſerves *. Charles II. was greatly beloved and but little eſteemed. †. King William, on the other hand, whoſe reign was a continued concatenation of wars, though honoured with the higheſt eſteem by the Engliſh, was one of their princes leaſt beloved. All Europe knows the afflictions which embittered the laſt days of a ſovereign ‡, who united, in the higheſt degree, all thoſe qualities that are capable of forcing the Engliſh to love

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* No hiſtorian has acquitted himſelf better in this reſpect than the celebrated Grotius, in the beginning of the 5th book of his Annales de Rebus Belgicis.

† England had, however, never been in ſo flouriſhing a ſtate as in the pacific reign of that prince. Since the peace of Breda, it had ſuſtained only an eighteen months war; and that war againſt Holland alone, was carried on with French money. The peace which concluded it, whilſt it ſecured to England a neutrality in the midſt of a long and bloody war, rendered her miſtreſs of the trade of all Europe till the peace of Nimeguen. The ten ſucceeding years were neither leſs happy, nor leſs brilliant. London, laid waſte both by peſtilence and by fire, found itſelf at the cloſe of theſe ten years, as rich, as populous, and as extenſive again as it had been in 1660. Are vain triumphs, and bloody trophies, of equal value with this felicity?

‡ Queen Anne.

and to reſpect the hand which governs them. In all countries, at all times, and in all conditions, the eye of contemporary envy, inceſſantly open to the weakneſſes and miſeries, by which perſons of the moſt ſhining merit pay tribute to humanity, ſeeks occaſion from thence to hate them, if it cannot proceed ſo far as to deſpiſe them. All the illuſtrious perſonages of antiquity underwent this law *: what, exclaimed the ſage Horace, ſhall merit and virtue always meet with an undiſtinguiſhing and criminal hatred amongſt us? ſhall they not be felt and acknowledged till after we have loſt them †? This unjuſt prejudice, as I have already obſerved, prevails in all countries. In a remote province of Siberia, Mr. Gmelin came to a village lately built and formed by a Tartar who received him at his houſe. Happening to aſk his gueſt why the village did not, according to cuſtom go by the name of its founder: the inhabitants, anſwered the Tartar, are too vain-glorious to do me that honour in my life-time ‡. In the preſent ſtate of things, whatever be the merit, however courteous the behaviour of a king of England, he will find his people actuated by the ſentiments which God obſerved in the Jewiſh nation: "This people draweth near to me with their lips, but their hearts are far from me."

I have already given ſeveral hints, which diſcover theſe ſentiments very plainly, as well with reſpect to the preſent king as to his predeceſſor.

If, notwithſtanding, any king ever deſerved the love of his people, it is George III. he leads, at his

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* *Ploravere ſuis non reſpondere favorem*
Speratum meritis.

† —— *Quatenus, heu nefas!*
Virtutem incolumem odimus,
Sublatam ex oculis quærimus invidi?

‡ Mr. Gmelin's Voyage to Siberia, in 1748.

rural ſeat near Richmond (a ſeat much inferior in magnificence and luſtre to that of many noblemen) a life of the moſt regular ſimplicity; which he divides entirely between the queen and his books. It is true he comes every week to hold a levee and a drawing room at St. James's; but the court is by no means brilliant; he comes with the queen in a very plain equipage, eſcorted by a few light horſe. I have already obſerved that coachmen and carmen, never ſtop at his approach, and that they take a pride in not bowing to him: "Why ſhould we bow to George? ſay the inſolent rabble: he ſhould bow to us: he lives at our expence *."

At his court he is affability itſelf. All thoſe he ſpeaks to, he accoſts in the moſt polite manner, and never opens his lips except to ſay the moſt obliging things. His palace, which has no guard except at the gate, is open to every Engliſhman, as well as to every foreigner who is attracted thither by curioſity.

The ſame ſimplicity accompanies the king when he repairs to parliament, to ſhew himſelf in all the luſtre of majeſty: his hair, which is very thick, and of the fineſt light colour †, tied behind with a ribband, and dreſſed by the hand of the queen, is one of his moſt ſtriking ornaments: he eats in public only when it is unavoidable, and on theſe occaſions he is ſerved upon the knee, according to the

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* I have cited in the courſe of this work many ſimilar inſtances of inſolence in the populace of London, to their ſovereigns. Thus the firſt virtue of a king of England, is that which antiquity moſt admired in a prince who had extended his ſway over part of the free inhabitants of Greece: *Si quæ alia in Philippo virtus, ſuit et contumeliarum patientia, ingens inſtrumentum ad tutelam regni.* Senec. de Irâ, lib. iii. c. 23. If Philip was ever poſſeſſed of any virtue, it was that of bearing affronts patiently, which contributes greatly to the defence of a kingdom.

† Notwithſtanding this, the peruke-makers have preſented an addreſs to the king, requeſting his majeſty that, for the good of their body and the nation, he would be pleaſed to wear a wig.

cuſtom of the houſe of Auſtria, adopted by Henry VIII. This practice would have prevailed in France about the ſame period; but Lewis XII. and Francis I. that is to ſay, *goodneſs and affability themſelves*, then ſat upon the throne: in the opinion of two princes of that character, the greatneſs of a king of France does not depend upon a vain ceremony.

England owes the affability of its preſent ſovereign to his eaſy free education, and to the little ceremony obſerved by the prince of Wales his father. It has had the ſame effect with regard to the princes his brothers. I have already related ſome facts which prove this aſſertion.

This education has eſtabliſhed in the king's family a reformation which puts it almoſt upon a level with the houſes of private citizens. Nothing but wood was burned in the late king's kitchen; in his own apartment nothing but cedar: the ſeveral different officers who attended about his perſon, eat at court. At preſent ſea coals are burned both in the kitchen and the king's apartment: there is no other table at court but that of the king, who eats with the queen; and thoſe of the maids of honour, and the chaplains: the officers in waiting are at board wages. The ſame ſpirit of œconomy regulates all the perſonal expences of that prince, who for the annual ſupport of his houſhold, and the whole royal family, to defray the charges of ambaſſies, &c. receives but about 800,000l. from funds appropriated to that purpoſe at the Revolution, and now granted by parliament, whoſe meetings on that very account, are neceſſary to the royal ſubſiſtence.

From the reign of Edward I to that of Charles I. the kings of England ſupported their table at the expence of the people, that is to ſay, their purveyors took without payment from the villages within five or ſix leagues of the royal reſidence, what proviſions they thought proper, and diſpoſed of them at their pleaſure. The kings of France lived upon the ſame footing till the reign of Charles VII. The Collection of Ordinances contains ſeveral letters of Charles V. relative to this right, known by the name of Priſes [*]: by ſome of them he exempts ſeveral villages and borough-towns from this oppreſſion; by others he reduces it to fixed quantities to be delivered in kind. One of theſe letters, of the year 1371, excuſes the inhabitants of Aubervilliers from this ſupply of proviſions, on condition of furniſhing every year ſeventy cart-loads of ſtraw: viz. forty for the king's uſe, twenty for the queen, and ten for the king's ſervants. By other letters of 1367 he had releaſed the city of Paris "from the *priſes* or *ſeizures* which were made daily of horſes, corn, wine, hay, oats, forage, plough-ſhares, cuſhions, bed cloaths, quilts, coverings for the head, cattle, fowl, tables, and other things which were taken for ſupplying our houſhold, the houſhold of our queen and brothers, of our conſtable, and of our whole family, &c." We find that theſe *priſes* for the table and the furniture of the ſovereign and his court were the cauſe of the itinerant life, which in thoſe periods was led by the kings of France and England [†].

[*] This vexatious right was called by the people, and afterwards by the kings themſelves in their letters, *Mala-Tolta*; from whence the French word *maltôte*, tax, is derived.

[†] *Lorſque ces rois ſortoient de leurs palais,*
Le deuil enveloppoit la terre :
Sur leur paſſage ils repandoient l'effroi,
Le peuple s'écrioit : cachons nous, c'eſt le roi.

When theſe kings quitted their palaces, the face of the earth was wrapt in ſorrow: they ſpread terror as they paſſed along, and the people cried out: Let us hide ourſelves, 'tis the king.

James I. had put his houſhold, and thoſe of the queen and princes his children, upon the footing of Aſiatic magnificence and luxury, a taſte ſuited to the pedantic vanity of that prince: he had multiplied the poſts belonging to thoſe houſholds, and allotted to each a conſiderable number of officers. Charles I. diminiſhed the number [*]. Charles II. made a farther reduction at the Reſtoration, and yet their number was ſtill upon a level with that of the officers of the court of France. The ſucceeding kings have carried this reduction ſo far, that the court of England has at preſent only an air of grandeur without either pomp or profuſion.

All employments, all honours being, as I have already obſerved, at the diſpoſal of the king of Great Britain, thoſe who aſpire to them form a retinue about his perſon, which would be more numerous, if the miniſters did not take off part of them; if the Engliſh in general did not think induſtry a ſurer method of making a fortune than aſſiduous attendance upon the prince; if oppoſition to the court and open variance with it were not in England the eaſieſt road to arrive at the moſt important and diſtinguiſhed places; if, in a word, the Engliſh, by nature little diſpoſed to dance attendance did not conſider the life led at courts, the officiouſneſs, the perſeverance, the ſubmiſſion and all the compliances requiſite to pleaſe a ſovereign, as the cringing of a beggar, unworthy of any man in eaſy circumſtances. This compariſon, however, is ſomewhat extravagant, and might be eaſily reduced within proper bounds, by drawing a parallel between the love of court pageantry, and the paſſion of gaming, both of which are founded on the deſire of gain and the impoſſibility

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[†] Till the civil war, the court of Charles I. had eighty-ſix tables ſerved twice a day.

of being a great loſer; or on a covetous diſpoſition which is never to be ſatisfied.

From what I have ſaid of the life of the Engliſh devoted to the ſtudy of the ſciences and literature, it follows that they have the leaſt of the courtier of any people breathing: "they are not ignorant that a ſilent aſſiduity leads to fortune; but they do not chuſe to purchaſe fortune ſo dear: a price too high for whoever knows that he has a better way of employing his time *." In a word, the learned in England obſerve the ſame rules of conduct at court, which the preſident Jeannin preſcribed to the French literati.

Inſtead of repeating all the common-place remarks which have been made upon the Engliſh government, and upon the † ſhackles which reſtrain the exerciſe of the royal authority, I ſhall relate ſome facts of which I have been myſelf a witneſs; facts which throw more light upon theſe ſubjects than political ſpeculations and moral reflexions.

After a ſlight indiſpoſition, which had been repreſented as much more conſiderable than it really was ‡, the king went to parliament on the 24th of April, and in a ſpeech wherein he diſcovered great

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* Fontenelle, Elogium of M. de la Hire.

† The power of aſſembling the parliament was, till the laſt revolution, the moſt important branch of the royal prerogative. The king's authority was the ſame which the Italians aſcribe to the pope: in its preſent ſtate, it is the ſame which the Gallican church allows the biſhop of Rome. I ſhall not enlarge upon this ſimilarity; it is ſufficient to point it out. It ceaſes only with regard to royal proclamations compared to papal conſtitutions. The former are to this day capable of executing themſelves, even when the parliament is ſitting. The Gallican principles admit the papal conſtitutions only upon condition of going through a previous examination.

‡ The reports ſpread upon the ill ſtate of that prince's health had even reached France: it was added, that his majeſty would immediately croſs the ſeas in order to drink the Barege-waters. I ſaw him at the parliament-houſe, and at St. James's-palace; he appeared to me to be in perfect health.

affection both to his family and the nation, he deſired to be authoriſed to chuſe guardians for his ſon, in caſe God ſhould call that young prince to the throne before he was of age, which by the laws of England is fixed at eighteen.

The country party, on the contrary, conſidered this application only as an artifice of the earl of Bute, to perpetuate his authority by continuing that of the princeſs dowager of Wales in a caſe which the king's youth ſeemed to leave no room to apprehend. The party thereupon took meaſures to turn this artifice againſt its author, by making uſe of it to ſubvert that authority, which it ſeemed intended to confirm and perpetuate.

The king having retired, the houſe of lords voted an addreſs of thanks. From thence I followed the crowd to the houſe of commons, which was immediately filled, inſomuch that lord Hallifax and lord Sandwich, the ſecretaries of ſtate, arriving there, accompanied by moſt of the foreign miniſters, were for want of ſeats obliged to ſtand. The ſpeaker having communicated to the houſe the king's ſpeech, and the object which he had in view, Mr. Beckford, and other leaders of the country party, inveighed, with the true ſpirit of Engliſh liberty, againſt the views of the court. " There is not one amongſt us, ſaid they, that does not wiſh that the king's life ſhould be protracted at the expence of his own. What cruelty, what barbarity is it to diſturb with the thoughts of death a prince who, according to the ordinary courſe of nature, both ought to ſurvive us, and will ſurvive us! if contrary to this courſe and to our wiſhes it ſhould happen otherwiſe, we will exclaim with the prophet Daniel, May the king live for ever! Our laws have ſufficiently provided againſt theſe dreadful exigencies." Theſe ſpeeches were interſperſed with ſneers and ſarcaſms againſt the miniſters, who heard them delivered: I could perceive that thoſe noblemen were ſomewhat out of countenance at the laughs, which theſe orators raiſed againſt them throughout the aſſembly. The houſe of commons then voted, as the houſe of lords had done before, an addreſs of thanks, which was to contain only unmeaning compliments without any promiſes or reſolutions relative to the ſubject of the king's ſpeech.

Four days after, lord Hallifax laid before the houſe of lords a plan of adminiſtration, in caſe of a minority, and a meſſage from the king relative to that plan. In both his majeſty reſerved to himſelf the right of chuſing a regent, whom he did not name. This ſilence cauſed the affair to be referred to another examination; which was made the next day, and again referred to a committee, by whoſe advice it was reſolved, that the king ſhould be requeſted to name the perſon whom he intended to appoint regent.

This very inquiry, at the ſame time, was carried on in the houſe of commons, but not with equal warmth: Mr. Pitt's coming to the houſe was every day talked of; he was to do ſomething ſurpriſing, that would ſubvert the whole miniſterial ſtructure; but Mr. Pitt never came.

Lord Hallifax had notwithſtanding undertaken to get the regency bill paſſed in the ſame form as he had preſented it; and that promiſe had engaged the king in a ſtep which, conſidering the turn this affair was likely to take, could only tend to call his authority in queſtion.

His majeſty ſignified as much to his two miniſters whom he in conſequence diſmiſſed his ſervice. The miniſters being diſmiſſed, the king named none to ſucceed them. During this ſpecies of anarchy the duke of Cumberland quitted his country retirement and came to court. He repreſented to the king his critical ſituation, offered him all the ſervices that his ill ſtate of health admitted of, extolled the great abilities and honeſt intentions of Mr. Pitt, and in fine, promiſed to perſuade that worthy patriot to enter again into the adminiſtration, if it were agreeable to his majeſty.

The king having given his conſent, the duke ſet out directly for the ſeat where Mr. Pitt had fixed his reſidence ſince his retirement from public buſineſs. He found him in bed very ill of the gout. All the remonſtrances, intreaties, and ſupplications of the duke were ineffectual. Mr. Pitt remained inexorable, upon pretext of his ill ſtate of health, and inſtead of anſwering the prince aſked his lady for ptiſanne, whilſt ſhe attended him as a nurſe.

The diſguſt which the king had ſhewn to his two miniſters appeared to be the better grounded, as the buſineſs which they ſaid had miſcarried, after having anſwered for its ſucceſs, revived of itſelf; and by means known only to the court, was a few days after concluded in both houſes, with the expreſs nomination of *the princeſs dowager of Wales.*

Mr. Pitt ſtill perſiſting to decline the adminiſtration, and the earl of Bute not chuſing to concern himſelf in it any farther than he appeared to be called upon by the nation, the court found itſelf reduced to requeſt the lords Hallifax and Sandwich to undertake it in the interim, till their ſucceſſors could be appointed: they accepted the offer, on condition that the duke of Northumberland ſhould be deprived of the place of lord lieutenant of Ireland, lord Bute's brother of the privy ſeal of Scotland, and lord Holland and another nobleman of two of the firſt employments in the ſtate. Theſe changes being concerted with lord Bute, as was ſaid, were immediately carried into execution, and the vacant places filled by the perſons choſen by the two miniſters.

The precarious ſituation of the court was rendered ſtill more ſo by an inſurrection of the ſilk-weavers; an inſurrection which broke out at the very moment, that all circumſtances ſeemed to concur to raiſe lord Bute again to the helm of government.

Happening to walk upon the 14th of May in St, James's-Park about noon, I, with aſtoniſhment, beheld the Green-Park covered with a multitude of perſons of both ſexes. Having mixed with the croud, I perceived the multitude walking to and fro with an air of tranquillity, and without the leaſt emotion. Upon which I aſked, what was the cauſe of that croud? A French refugee, quitting his companions, came up to me, and ſaid: "You Frenchmen are the cauſe of it. Your peace, which is conſidered by the Engliſh as the work of lord Bute, has ruined this country, by putting an end to a war which was the ſource of equal emolument and glory to us; and it encourages the hoſtilities which you inceſſantly commit, by filling England with your manufactures at a lower price than ours, becauſe you are all ſtarving: we propoſe complaining of this to the king and the parliament."

This apoſtrophe, which I little expected, having gathered a croud about me, I requeſted the man to tell me whether he knew at London, or in any ſea-port town of England, French merchants who kept a magazine of the commodities of their country. Upon his anſwering in the negative, I aſked him how and by what means our merchandiſe reached England? It is by contraband trade, anſwered he, and by ſecret intelligence carried on between your French and our Engliſh merchants. Well then, replied I, complain of your Engliſh merchants, and impute to them alone the ruin of your manufactures. If, added I, Engliſhmen were to deſtroy the citizens of London with poiſons purchaſed in Italy, who ſhould be blamed, the Engliſh or the Italians?

My anſwer was received with applauſe, and the ill-will of the people to the French was turned againſt thoſe Engliſh merchants, who kept warehouſes of French commodities in London.

Upon my return to my lodgings, I ſaw a French refugee, with whom my ſervant had made acquaintance, and who talked to him with tears in his eyes, of the neceſſity which he had been laid under by his comrades, to join in the riot upon pain of being thrown into the Thames: the unfortunate man expreſſed this regret not ſo much upon his own account, as that of a wife and a conſiderable charge of children. I was informed by this perſon, that the riot was made by perſons for the moſt part determined by the ſame motive.

The day following, which was the 15th of May, the croud gathered again in the road that leads from London to Richmond; and a great black ſtandard was carried before them, with which they accompanied the king to the parliament-houſe, where he was going to ſettle the affair of the regency. His majeſty liſtened very graciouſly to their complaints, mixed with threats, againſt certain members of the houſe of lords.

The unexpected facility which the court had found in the two houſes, in paſſing the regency bill, diſcovered, perhaps, too plainly, that it governed the parliament: this was, perhaps, the cauſe of the riot. All had been loſt, ſaid an Engliſhman to me, if the angel of the Lord had not come down to trouble the waters of the pool.

The 16th of May a ſtill greater number of artificers ſurrounded the parliament-houſe at Weſtminſter. The lord mayor coming in his ſtate coach to make a ſpeech to the people, the windows of it were broken, and it was filled with dirt like a dung-cart. That of the duke of Bedford was at the ſame time inſulted, covered with dirt, and its traces cut. The houſe of lords, dreading farther outrages, ſent for the juſtices of peace. Upon being reprimanded for their neglect, they made anſwer that they did not know of any law which forbid the people to aſſemble, in order to demand a redreſs of grievances of the chief council of the nation. Notwithſtanding this remonſtrance they were commanded to employ all their authority to reſtore the public tranquility, upon pain of being reſponſible for any diſorders that might happen.

In ſpite of this precaution above 20,000 artificers, divided into companies, with black ſtandards and drums beating, made their appearance again at Weſtminſter, on the 17th, where they ſpread a report that the tradeſmen of the neighbouring towns were upon their march to join them. Certain members of the houſe of lords were deputed to aſſure them, that the parliament would take their complaints into its ſerious conſideration. Upon theſe aſſurances they retired in ſmall parties, ſome of whom went into the city where they plundered the houſes and magazines of two merchants, whoſe commodities conſiſted chiefly of French ſilks. The whole multitude then aſſembled in Bloomſbury-ſquare and all the adjacent parts, but proceeded no farther than inſulting Bedford-houſe, by breaking the lamps and the ornaments of ſculpture which crowned the front pillars.

On the 18th there was no diſturbance, doubtleſs, becauſe the parliament did not meet that day.

The next day the crowd, more numerous than uſual, advancing with poles and cudgels againſt Bedford-houſe, the cannon in St. James's park gave the regiments of guards and a detachment of dragoons, the ſignal agreed on to march to the duke's aſſiſtance. They made their appearance, and drew up in the midſt of the crowd, who did not quit their ground, but, in their ſight, took every preparatory ſtep to break into the duke of Bedford's houſe. The houſe and garden belonging to it, are contiguous on the left ſide to a ſtreet, from which it appears to be ſeparated only by wooden rails. The people conſidered the rails as the only incloſure of the houſe on that ſide, but it had a wall before it, and the ground ſurrounded by thoſe rails, ſerved to ſhut up cattle in for the duke's private uſe.

Though the people had perceived their miſtake upon opening the firſt breach in the incloſure, they continued to demoliſh it: the whole was ſo completely pulled up and carried off, that the next day there did not remain the leaſt veſtige of the rails, and the place where they ſtood was ſcarce diſtinguiſhable.

All this was done in the preſence of the foot-guards and dragoons, who being drawn up in battle-array, and continuing motionleſs, upon the ſame ſpot, appeared to be come thither only as ſimple ſpectators: a tranquillity the more ſurpriſing as the horſe of one of the dragoons having made a ſpring, and hurried him out of his rank, the man was that inſtant pulled off his horſe, and received ſo many blows with cudgels that he died ſoon after.

The people, after having calmly inſulted government in this manner, retired as peaceably as they came, leaving the army poſſeſſed of the ground, round which the mutineers ſtill continued to gather in ſmall bodies.

Notwithſtanding the injunction laid by the lords upon the juſtices of peace, to exert their authority againſt the mutinous aſſemblies, as thoſe magiſtrates did not chuſe to ſtir in the affair, London was in a ſtate of anarchy, to which there was no remedy except in the ſupreme authority of the executive power: in caſes of this nature, the Roman ſenate recommended the commonwealth to the vigilant care of the conſuls *: on the 20th of May, the houſe of lords voted an addreſs, in which they petitioned the king to exert the authority veſted in him by the laws, in order to quell the ſedition.

That very day the king was to come to the houſe, in order to prorogue the parliament: he, not only did not appear there, but ceaſed to repair to St. James's to hold his court. His majeſty, however, in order to employ the remedy recommended by the peers, publiſhed a proclamation, enjoining all the juſtices of peace of London and Weſtminſter, and of the counties of Middleſex and Surry, to exert themſelves in their ſeveral departments to prevent all unlawful and riotous aſſemblies.

This proclamation, the moſt ſolemn act of ſovereign authority, was paſted next day up and down the ſtreets. The people, who aſſembled in crouds to read it, looked upon it as a trophy of their victory over the earl of Bute.

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* *Videant conſules ne quid reſpublica detrimenti capiat.* "Let the conſuls take care that the commonwealth comes to no harm."

They thought themſelves ſure of this victory by the frequent councils held by the king and princes of the blood, in which it was propoſed to recal lord Temple and Mr. Pitt to the miniſtry; by the ſteps taken by the duke of Cumberland to bring this about; and, in fine, by the retreat of lord Bute, who, after publicly taking his leave of the court, had ſet out for the northern counties, from whence, it was ſaid, he was to proceed to Scotland.

Theſe glimmerings of a change in the miniſtry had more efficacy than the king's proclamation, in appeaſing the ſeditious, or rather in putting a ſtop to the machinations of thoſe who ſet them on. The ſedition being completely quelled, the king came on the 25th to the houſe, where he made a ſpeech previous to proroguing it; in which he never once, either directly or indirectly, took any notice of all the ſeditious proceedings of the populace: from thence it was concluded, that the ſedition had been ſeen in the ſame light by the court, as by the people themſelves.

The news-papers, which are the uſual trumpets of ſedition, had acquitted themſelves admirably during this diſturbance. Their invectives againſt the miniſters, againſt the duke of Bedford, and againſt the earl of Bute, called the people to the enjoyment of their liberty, and to the defence of the moſt precious rights of the nation, which were encroached upon and violated by the miniſtry.

The tumult being entirely appeaſed, the king came on the 4th of June to receive the compliments paid him upon the anniverſary of his birth-day at St. James's, all the paſſages leading to which were filled with the ſame populace, which, a few days before had ſhewn themſelves ſo formidable. They aſſembled that day with no other view, but to obſerve, whether the nobility and gentry wore Engliſh manufactures; and perceiving that not one courtier appeared in foreign dreſs, they retired with the utmoſt ſatiſfaction.

Lord Bute had, notwithſtanding, again made his appearance at that ceremony, and his return, quite unexpected, was ſcarce perceived, being concealed by the meaſures concerted with the leaders of the country-party. The diſturbances ſtopt here; the enemies of that nobleman contented themſelves with inveighing againſt him in the public papers, and by written libels, one of which, virulent to the laſt degree, was paſted to the pedeſtal of the ſtatue of king James II. at Whitehall.

I have given the moſt exact and circumſtantial account of all theſe diſturbances, guided in my inquiries by the lights I had acquired concerning the ſprings which put them in motion: the facility with which this comedy was begun, ſupported and terminated, is capable of giving a conſiderable inſight into the character and genius of the chiefs, and the bulk of the Engliſh nation: there are few countries in which ſuch diſturbances would not have been attended with the moſt ſerious conſequences.

The remainder of the month of June paſſed in negociations and in conferences between the king, lord Temple, and Mr. Pitt, relative to the conditions required by the latter to engage them to reſume the adminiſtration. Their firſt care was to promote their friends. In conſequence of this during the firſt fifteen days of July the moſt diſtinguiſhed of their adherents were ſucceſſively called to the chief employments in the ſtate. Above a hundred perſons were ſaid to be deprived of their places, and in their room were ſubſtituted ſuch as had ſignalized themſelves moſt in the oppoſition.

None remained to be placed but the two leaders of the party: their ſituation was the more extraordinary as, all offices being then filled, they ſeemed to have forgot themſelves, and to think of nothing but the intereſt of their friends and the good of the ſtate.

That was the judgment paſt upon them by the populace, who teſtified by public rejoicings how much they were affected by ſo rare an example of patriotic heroiſm: the citizens of London congratulated the king upon it, in the compliment which they paid him upon the birth of his third ſon.

Mr. Pitt, notwithſtanding, continued to reſide at Hayes, where he received frequent diſpatches from the court, which invited him, in the moſt earneſt manner, to come and take part in deliberations upon ſubjects of the higheſt importance to be laid before the parliament, the meeting of which had been fixed to the 17th of Auguſt, but was afterwards prorogued to the 24th of October and again to the 12th of December. During that interval advice was brought by all the ſhips from the Engliſh colonies, that the ſtamp-act, to which the government wanted to ſubject them, and which had been paſt in the laſt parliament, had excited a general inſurrection, and that the inhabitants had, on all ſides, proceeded to exceſſes, which, whilſt they endangered public tranquillity, rendered the moſt valuable rights of the crown precarious.

The readineſs with which the country party had conſented to this new impoſt, gave grounds for a ſuppoſition that they had foreſeen the perplexity in which it would involve the miniſtry, againſt whom it would furniſh new arms.

The paper in queſtion, ſo much decried, was extremely fine. The ſtamp-office was kept at an apartment in Lincoln's-inn, which I frequently viſited; ſhips were loaded with it, to diſtribute it to all the colonies.

The parliament having at laſt met in the month of December, took into conſideration this important affair, and, for the preſent, all commerce was ſuſpended between England and its colonies: with regard to futurity it ſeemed to threaten a civil war, which might render the colonies independent, by making them quit their connexion with the metropolis.

Mr. Pitt, who was ſtill only a member of the houſe of commons, repaired to that aſſembly, where he, notwithſtanding his ill ſtate of health, attended ſeveral meetings: that of the 21ſt of December laſted till two o'clock in the morning. At length, in purſuance of his advice, the pure and ſimple revocation of the ſtamp-act was conſented to by the houſe. This conſent, which Mr. Pitt's eloquence ſeemed to have forced from the members, was celebrated in London by feſtivals, rejoicings, and ringing of bells throughout the whole city: it was ſoon followed by the conſent of the houſe of lords; in a word, the king quickly repaired to parliament to give it the ſanction of his authority.

By the advice and at the inſtance of Mr. Pitt, the bill which, under the late miniſtry, had eſtabliſhed duties upon cyder and perry, exceeding burthenſome to the counties where thoſe liquors are manufactured, was likewiſe revoked and annulled.

Theſe blows being ſtruck, Mr. Pitt returned to his country ſeat, amidſt a general applauſe, the more ſo as in conferring ſervices upon every claſs in the nation he ſeemed to forget only himſelf.

They made haſte to finiſh his ſtatue, which I had ſeen at Mr. Wilton's *; and it was expoſed to public view with the following inſcription: To the right honourable William Pitt †. Silver medals were ſtruck with his head on one ſide, and has this inſcription on the reverſe: To the man, who, after ſaving the metropolis, by his eloquence preſerved our colonies. At the firſt news of the repeal of the ſtamp-act, ſubſcriptions were ſet on foot in all parts of Engliſh America, to extend the monuments of Mr. Pitt's glory to the New World.

By a decree of chancery, he had juſt obtained, with the acclamations of the public, a very conſiderable legacy, which was conteſted with him by the heirs of a country gentleman, who, though he knew him only by reputation, had left him heir to his whole fortune. After having been diſtinguiſhed by the public applauſe, at the rejoicings which followed the king's coronation, he was rewarded with a penſion of 3000 l. a year, upon his retiring from the adminiſtration. The populace were for giving his name to the new bridge at Black-Friars; a monument which muſt tranſmit the flouriſhing ſtate of England at this period to the lateſt poſterity. In a word, ſhop-keepers could think of no better expedient to allure cuſtomers than that of hanging out Pitt's head as a ſign.

He was then the god of the nation, which recollected with tranſport the ſucceſſes that had rendered his miniſtry illuſtrious, together with the generous

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* This ſtatue which I have already ſpoken of, coſt the city of Cork five thouſand pounds.

† The firſt of theſe monuments in honour of Mr. Pitt, is the too well known medal, which contains all the conqueſts gained by England over France in the courſe of the year 1759. The ſcutcheon, which forms the center of theſe conqueſts, repreſents a flower-de luce inverted, and for ſupporters, the lion and the unicorn. Under the lion we read the name, W. Pitt.

and noble manner in which he had obtained, ſupported, and at length reſigned, his high employment, conſtantly and avowedly oppoſing whatever he thought either foreign to, or inconſiſtent with the true intereſts of the nation.

Two lucky accidents which greatly contributed to the ſucceſs of his adminiſtration, were reckoned as nothing. The execution of admiral Byng had animated the operations of the war with vigour, activity, and harmony, the want of which had had an influence on every public meaſure ſince the renewal of hoſtilities *. The admiral was ſecretly proſecuted by the preceding miniſtry, on whom he juſtly laid the blame of the ill ſucceſs of his expedition. Mr. Pitt, whilſt he reſolved upon his condemnation, ſeemed to act only for Mr. Fox his declared enemy; but under the appearance of this noble and generous proceeding, he promoted his own cauſe, ſecuring ſubordination and obedience to the miniſters. The other lucky accident was the equally unexpected diſgrace of M. d' Argenſon, and M. de Machaut, who, with equal abilities, filled in France, one, the place of miniſter at war, the other, the department for maritime affairs.

Having at laſt attained to that glory, which was often vainly aſpired to by the antient heroes of patriotiſm, which none of them enjoyed in its purity, and which was generally embittered by the ingrati-

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* In the courſe of the ſame war, the commanding officer of the auxiliary forces of the Engliſh in Germany, did not ſtrictly obey the orders of prince Ferdinand in a battle which was crowned with victory. Upon his return to England, he was tried by a court martial, which declared him incapable of ſerving the king. This gentleman was ſprung from one of the nobleſt families in Great Britain, was a member of the houſe of commons, and of the privy-council: in the preſence of that aſſembly, the king, with his own hand, ſtruck the name of that gentleman out of the the liſt of privy-counſellors.

tude of their countrymen, on the 3d of Auguſt, 1766, Mr. Pitt was declared lord-keeper of the privy-ſeal [†], and raiſed to the dignity of a peer of Great Britain, with the title of lord Chatham. This unexpected promotion was a thunder-clap, both to the friends and enemies of the new miniſter. Lord Temple, his brother-in-law, inſeparable aſſociate in his ſchemes againſt the former adminiſtration, and ever true to his genius which ſeemed to have formed him to command the country-party in oppoſition to all miniſters, was the firſt that broke out into exclamations and invectives.

This noble lord acts the ſame part at London, which was ſo long performed at Rome by cardinal Paſſionei; that is to ſay, the part which will in all countries be acted by every man of honour and integrity, who, with the frankneſs becoming his character, expects to find the ſame diſpoſition in the reſt of his party; with reſpect to whom notwithſtanding, he will ever be no more than a bear amongſt a parcel of mummers at a country-fair.

The truth is, no man can ſee into the hearts and diſpoſitions of his fellow-creatures, but by analogy, and his own feelings; now the ſeveral members of a party, having only private intereſt for their actuating principle, ſuppoſe that intereſt both in their own and in the oppoſite factions: by this analogy, they bring down to the level of their own grovelling ſentiments, every man whoſe noble and diſintereſted views are above their reach; and all the advantage this perſon derives from the integrity of his proceedings, is, that of being conſidered as an exception, that confirms the general rule. In other reſpects, lord Temple not only reſembles cardinal Paſſionei in the purity of his views, but is like him even in his deportment, his features, and tone of voice.

[†] This place, which has no fixed and regular department, has an influence upon every branch of the adminiſtration: the keeper of the privy-ſeal is at the head of all councils.

No ſooner was Mr. Pitt raiſed to the dignity of a peer, but ſome of his partizans, whom the laſt revolution had brought into the miniſtry, made haſte to reſign, and their places were ſupplied at the pleaſure of the court, whoſe party, ſtill directed by lord Bute, triumphed at this change, by repreſenting as lord Chatham's friends and aſſociates, thoſe who had ſo long conſidered Mr. Pitt as an irreconcileable enemy.

> *Ex illo fluere et retro ſublapſa referri*
> *Spes populi*[*].

Since the above revolution, the nation has conſidered this renowned patriot, who had ſo long been its idol, in no other light but that of an artful politician, who, by keeping meaſures with the court, has followed the path lately opened by the introduction of democracy; the path cut out by the Carterets, the Walpoles, the Pulteneys, the Pelhams, &c. the path followed at Rome by thoſe tribunes who moſt ſignalized their zeal in ſupporting the intereſts of the people; in fine, the path adopted by the orators of Greece, who found by experience, that popular applauſe is a frail as well as dangerous ſupport[†].

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[*] Æneid. lib. 2.

[†] In all democratical government this road has led moſt of the great men to the firſt dignities of the ſtate; but how many medling pretenders has it likewiſe conducted to thoſe preferments, whoſe heads, tried in the crucible of public buſineſs, have had the ſame fate with that which poſſeſſed the city of Paris about the middle of the laſt century; the hiſtory of which the Abbé le Bœuf has given us in ſo plain and natural a manner in his Memoirs of the Dioceſe of Paris, Tom. i. p. 200. *Popularis aura*, ἄνδρα πιςὰ ἡγησάμενον τȣ δήμȣ, μέ ποτε καλῶς τελευτῆσαι. *Pauſanias in Atticis* de

The news-papers, in which, as upon ſo many altars, incenſe was continually burning in honour of Mr. Pitt, ceaſe to exhale any thing elſe but black vapours mixt with the bittereſt gall; Pitt's bridge has reſumed its firſt name of Black-friars bridge; the penſion which he received from the court is no longer conſidered in any other light but as a bribe for his forſaking the cauſe of liberty; the head of this saviour of his country has been effaced from the ſign-poſts; and as to the ſtatues and monuments of a more durable nature, thoſe who have erected them will, doubtleſs, imitate the conduct of the Greeks and Romans with regard to the monuments of their illuſtrious perſonages in the ſame circumſtances *.

As I had been an attentive ſpectator of the firſt conteſts preparatory to this revolution, I thought it incumbent upon me to take the ſame notice of thoſe which matured and brought it to perfection. Commotions and diſturbances of this nature, whilſt they raiſe the accounts of modern tranſactions to the dignity of ancient hiſtory, afford ſufficient proof that popular applauſe is purchaſed as dear in England, as it was formerly in ancient Greece.

At the ſame time, they ſhew us of what weight the royal authority is ſtill in the Engliſh conſtitution,

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de Demoſthene. It was in this ſenſe, that Diogenes ſays of Demoſthenes, "That he was the maſter of Athenian orators, but that the people of Athens were Demoſthenes's maſters." At the ſight of a Gauliſh Hercules, a certain perſon aſking who had faſtened ſo many ears to the mouth of that hero? a philoſopher replied in the ſame ſenſe: ask rather, who has faſtened that wretch to ſo many ears?

* *Non mediocris invidia proditur quæ civicæ caritatis oblita, in acerba odia cauſas amoris inflectit*; 'that can be no inconſiderable envy, which having forgot the affection that ſhould ſubſiſt between fellow citizens, converts the cauſes of love into the bittereſt hatred;" ſaid St. Ambroſe, 44 Comment. in Luc. cap. 4. in an age fruitful in revolutions as well amongſt ſovereigns as miniſters.

when it devolves into hands that know how to make a proper exertion of the prerogative. And yet from the manner of behaviour of the Engliſh towards their king, one would not imagine that the crown was ſtill poſſeſſed of powerful reſources.

In this point of view lord Bute ſeems in many reſpects to reſemble the Macedonian *, whoſe profound and active policy, had, by various artifices, led Greece into a ſnare, from which it was impoſſible for her to extricate herſelf. The earl of Bute, would, doubtleſs, have had the ſame aſcendant over the Engliſh, if he had ſhewn ſuch reſolution as cardinal Mazarin, and not quitted his poſt at the very inſtant that his power ſeemed to be moſt firmly eſtabliſhed.

The wound which Cromwell † gave the royal authority, is ſtill bleeding. Our conſtitution, ſay the Engliſh, was then in the moſt critical ſituation: it had fallen into the hands of a bold empiric, who preſerved it by a remedy as violent as unknown to former ages ‡.

At the entrance of the ſaloon in the Muſæum, which contains the figures of moſt of the Engliſh worthies, the eye is ſtruck by a fine buſt of Cromwell, oppoſite to one of Milton his apologiſt §. In the repoſitory

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* See the firſt Philippic of Demoſthenes.

† In the mouth of an Engliſhman, the name of Cromwell is the ſame with that of Caramuel, a famous caſuiſt of the 17th century."

‡ *Ita eſt inauditum regem capitis eſſe reum.* Cic. Orat. pro Sextio. "It is a thing unheard of, for a king to be tried for his life."

§ Cromwell found an Engliſhman who preſumed to defend upon principle, and by ſyſtem, an unprecedented parricide; and the royal family could not, without having recourſe to foreigners, find a perſon that would dare to refute Milton. It was unfortunate even in this choice by ſingling out for that purpoſe the Grammarian Salmaſius, who, in a work entitled, *Defenſio regia*, filled a huge volume of 720 pages, with unconnected fragments of ſacred and prophane authors, which, right or wrong, eſtabliſh the

reſpect

of medals, his coins find a place amongſt thoſe of Charles I. and Charles II. The ſame honour has been done them in the collections of medals and Engliſh coins given to the public by the Society of Antiquaries. In fine, the moſt popular almanacks confound his name with that of Charles the Martyr. I have already taken notice of a certain peereſs, to whom the quality of daughter, or grand-daughter to Cromwell, is leſs an infamy than a mark of diſtinction.

It appeared to me a difficult matter to reconcile this high reſpect for the memory of Cromwell, with the particular ſervice appointed every year throughout England, to expiate the martyrdom of Charles I. Both houſes of parliament aſſiſt at the ceremony of that expiation, which, whilſt it excites compaſſion for the martyred king, ſhould inſpire them with horror for his murderer.

This horror would fall only in part upon Cromwell, if we were to give credit to a libel publiſhed in Holland * by Burnet, or by ſome other author in hire to the prince of Orange. "Certain it is, ſays this writer, that the condemnation and execution of Charles I. was a blow ſtruck by the implacable je-

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reſpect due to kings and ſupreme powers. Huetius, in a letter dated in 1655, writing to Salmaſius concerning his work againſt Milton, gives him a piece of advice, which that grammarian ſhould have followed, with a prophecy concerning the fate of Milton, falſified by the event. The paſſage is this; *Adverſarium hunc, ſi tu me audias, non aliter ulciſceris quam contemptu & ſilentio. Longè utilius horas tuas collocaveris in aliquo nobili argumento, quàm in defricando nebulone, cujus nomen, abſque te foret, nunquam prodiret extra popinas & gurguſtia.* "If you would take my advice, you would think it ſufficient to revenge yourſelf upon this adverſary by contempt and ſilence alone. You would employ your time to much greater advantage, by treating ſome noble ſubject, than by running down a fellow, whoſe name, had it not been for you, would never have been known, except in taverns and alehouſes." *Diſſertations on Religion and Philoſophy*, Tom. ii. p. 444.

* In 1691, with the title of Memoirs of the Life of James II.

ſuits; and it was a member of that ſociety, who performed the part of executioner in that barbarous tragedy. This ſeems the more likely as the parliament had given orders, that the perſon who offered himſelf as the executioner of that unhappy monarch, ſhould be maſked, in order to conceal from the public eye ſo deteſtable a parricide. It is at leaſt a fact of public notoriety, that one of the executioner's attendants upon the ſcaffold, and who wore a maſk like the other, was a jeſuit, that he was even confeſſor to the queen, and that he cried out in a tranſport of joy, when he ſaw the king's head ſtruck off his ſhoulders: "We are now delivered from our greateſt enemy."

To give a colour to this anecdote, the author ſuppoſes, that by a ſecret article of the contract of marriage with Henrietta of France, Charles I. had engaged to reſtore the Roman Catholic religion, and to cauſe his iſſue by that marriage, to be educated in that perſuaſion; that the king did not exert himſelf in carrying that treaty into execution with ſuch ardour as the jeſuits could have wiſhed; that he could not prevail upon the independents to releaſe him from his confinement, except by making ſacrifices which would totally blaſt the hopes of the ſociety; and that his death alone could revive their drooping courage, by throwing every thing into confuſion. Having taken this reſolution, they diſpatched to Rome a grand deputation of fourteen of their fathers, who being inveſted with all the neceſſary powers, returned to England, where employing catholic agents under a Proteſtant diſguiſe, either in parliament or in the independent army, they at laſt ſucceeded in their wicked purpoſe.

This anecdote has met with very little credit even amongſt the Engliſh*, in whoſe opinion, as well as that of lady Fairfax, Cromwell is the man, who, by paths known to himſelf alone, conducted Charles to the ſcaffold.

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* The Engliſh Catholics.

But the horror of this crime is now counter-balanced by the weight which the conſtitution derived at that period from a mixture of democracy; by the flouriſhing ſtate of Great Britain, ſince it has been taught by Cromwell to know, and make a proper uſe of its ſtrength; by the preponderancy which it has acquired in the balance of Europe; by its naval force, for which it is indebted to Cromwell's navigation-act; in a word, by a thouſand advantages derived from the perpetration of that horrid and unparalleled murder.

Among theſe advantages, they reckon the expulſion of James II. and the excluſion of the Stuart race. The fate of king Charles ought to have been a leſſon to that unfortunate family. To dethrone a king, even in a juridical manner, was but a trifle to a people who had brought their ſovereign to the ſcaffold, and, with all the forms of juſtice, embrued their hands in his blood: the principles, the views, and the intereſts, which directed the firſt attempt, opened the way, and gave a ſanction to the ſecond.

At this time ſtarted up "a man of invincible depth and penetration, an artful hypocrite, a refined politician, capable of forming and of concealing any enterprize, equally active and indefatigable in peace and war, who left nothing to the controul of fortune, which he could ſecure by wiſdom and foreſight; in fine, one of thoſe turbulent and audacious ſpirits, who ſeem born to change the face of the globe." In theſe ſtrokes, by which the great Boſſuet has given us the picture of Cromwell, who does not diſcover the ſtadtholder of Holland? This prince diſplayed at the Revolution, all the depth, diſſimulation, and active intrepidity, which Cromwell had exerted in the grand rebellion; and, like the other, found panegyriſts in the very boſom of the church *.

It was impoſſible for this prince not to have an infinite eſteem for a man of whoſe merit he was ſo good a judge. Gratitude conſpired with eſteem: Cromwell had paved the way to the throne for him: in his private converſation, he never ſpoke of the protector but in terms of the higheſt admiration.

The writers whom he kept in pay ſpoke of that uſurper with equal veneration. In the Preface to a libel, entitled, *The Oracle conſulted by the Powers of the Earth*, printed in Holland, and circulated before the Revolution, we meet with this expreſſion: "The preſent age has given two kings to England at the time when ſhe flattered herſelf to ſee an end put to theſe ſanguinary reigns, by the meaſures which the incomparable Cromwell had juſt adopted."

In another contemporary Treatiſe, whilſt the author gives theſe meaſures their proper appellation, he anſwers the complaints of France concerning the proceedings of Catholic ſovereigns, who acknowledged the prince of Orange as king of England; by reminding that power of her behaviour during the miniſtry of cardinal Mazarine, when ſhe had begged and received from the hand of the uſurper, ſtill reeking with the blood of his ſovereign, a moſt ſhameful peace, the firſt article of which forever diveſted a prince of the Bourbon family, a grandſon of Henry IV. a nephew of Lewis XIII. and a couſin-german of the king upon the throne, of his undoubted right.

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* Abbadie, ſo well known by his Treatiſe on the Truth of the Chriſtian Religion, publiſhed in 1692, a Defence of the Rights of God, Nature, and Society, in the laſt Revolution of England.

The revolution of 1688 proved equally beneficial to the nation, and to the prince whom it raiſed to the throne. The republican principles, upon which Cromwell had founded the protectorſhip, after having in part regulated the conditions of the reſtoration of Charles II. determined thoſe upon which the prince of Orange thought proper to purchaſe the crown. He had vainly flattered himſelf that length of time, and an artful management of conjunctures, would diminiſh the weight of theſe conditions: but the nation exerted its utmoſt efforts to render them ſtill more burthenſome, and perſevered in that purpoſe with ſuch reſolution and conſtancy, as fruſtrated the meaſures of the new king, and embittered the remainder of his days. The forces which he wanted to keep on foot, after the peace of Ryſwick, were diſbanded; and his importuning the houſe of commons to ſuffer him to retain his Dutch guards, drew upon him this threatening anſwer: "That the houſe requeſted his majeſty to name the perſons, by whoſe advice he made a propoſal of ſo pernicious a tendency." In ſettling a triennial parliament *, the nation triumphed over his repugnance, and his open and concealed efforts to oppoſe that eſtabliſhment †: in a word, king William, who was received in England as Manlius Capitolinus had been at Rome after the expulſion of the Gauls, found himſelf obliged to bear from the jealouſy of his Engliſh ſubjects, all

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* This eſtabliſhment was one of the hardeſt conditions which the long parliament propoſed to Charles I. who could not be prevailed upon to grant it, till he found himſelf under a neceſſity of granting every thing.

† I have been informed that this was the only affair in which the late kings of England aſſerted their right of refuſing the royal aſſent, which gives the force of laws to bills paſt by the two houſes of parliament. They, however, neither do nor can refuſe this aſſent, otherwiſe than by declaring, that they will take the *thing into farther conſideration.*

the mortifications and inſults which the ſaviour of the republic had endured at Rome.

The title of the houſe of Hanover to the throne of England being only a continuation of that of king William, that houſe has the ſame reaſons with the prince of Orange to think favourably of the man, who firſt dared to ſtain the ax with the blood of the Stuarts.

Thus every circumſtance, both with regard to the ſovereign and the nation, concurs to reſcue the memory of Cromwell from that infamy, to which it ſeems to be condemned by the ſolemn anniverſary of the martyrdom of Charles I. this ceremony, like many others, is continued, becauſe it has been eſtabliſhed, and it would not be decent to aboliſh it. Hiſtorians ſeem to be equally reconciled to the memory of Cromwell: Hiſtory, ſays father d'Orleans, is not ſo entirely devoted to pure virtue, as to refuſe a place amongſt great men to ſuch a ſuperior genius, had he committed fewer crimes *.

I have heard ſome Engliſhmen, ſtaunch friends to the preſent government, lament the approaching extinction of the houſe of Stuart, not ſo much from any perſonal attachment to that family, but through apprehenſion of loſing ſome advantages accruing from a pretender; ſuch as the inquietude with which a competitor neceſſarily inſpires the mind of a perſon poſſeſſed of a dignity that admits no rival; the check which the ſight of an abdicated family is to the prince on the throne †; the reſpect which the latter owes a nation that has it every moment in its power to recall the former, even in virtue

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* Revolutions of England.

† *Illud imprimis intelligendum eſt, legibus minimè coerceri æſtus majeſtatis.* Spelman, Codex Leg. veterum in Johann. "This is to be well conſidered, that the paſſions of kings are never kept in reſtraint by the laws."

of thoſe very laws which have pronounced its excluſion*; finally, the happy fermentation kept up in the minds of the people by the parties of whig and tory, who derive mutual lights from their unceaſing rancour and animoſity.

Mr. Hume, in his Political Diſſertation on the Proteſtant Succeſſion, whilſt he lays it down as a maxim, that the rights of the houſe of Stuart, which he repreſents as ſacred and inviolable, might be ſacrificed to the convenience, the well-being, and the intereſt of the nation, and that this ſacrifice ſhould be irrevocable, reaſons leſs like a philoſopher than like a good whig and a zealous puritan, who has, notwithſtanding loſt ſight of the conſequences of the original contract. Upon theſe principles, every ſovereign may lawfully erect himſelf into a tyrant, if convenience, and his advantage require it. *All things are lawful to him to whom all things are expedient.*

The ſituation of Great Britain between the houſes of Stuart and Hanover, is the ſame in which Peloponneſus and part of Greece ſtood, between the Pelopidæ and the Heraclidæ, who diſputed the ſovereignty of thoſe countries between them, and poſſeſſed it alternately during two or three centuries. In the times called the heroic ages, under the government of kings, who were citizens, and honoured with the humble and modeſt title of paſtors of the people that had conſigned themſelves to their care, the Greeks made uſe of thoſe dawnings of liberty to lay the foundation of that grandeur which they afterwards attained. They united themſelves by alliances, and in one national body formed the famous ſiege of Troy; they opened the Euxine ſea to their fleet; their colonies covered the iſlands of the Archipelago; all Aſia-Minor was filled with Greek cities: navigation, commerce, and all the polite arts, owed their improvement to theſe great enterpriſes and to the love of liberty, a love to which the Greeks afterwards devoted themſelves with a degree of enthuſiaſm and perſeverance, unparalleled in hiſtory. In a word, the revolution which paved the way for the liberty of the Greeks, was owing to their making a right uſe of the competition between the two families, which contended for the empire of that country.

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* *Inter duos litigantes tertius gaudet.* "Whilſt a law-ſuit is depending between two, a third is the better for their differences."

Athens ruined by the defeat of Ægos-Potamos, owed its preſervation to theſe views which regulated the conduct of the Spartans. Thebes, Corinth, and all the allies of Lacedæmon, called loudly for the deſtruction of a city, which had long made an inſolent uſe of uſurped authority. "No, ſaid the Spartans, Athens ſhall not periſh: ſhe has been of too much ſervice to Greece: let her become our ally, and relinquiſh the empire of the ſeas which ſhe has abuſed [*]." By this reſolution, Lacedæmon, whilſt ſhe preſerved a rival, gave to her own authority a counterpoiſe, which, divided it in appearance, but ſtrengthened it in reality.

The hiſtory of the Turks preſents us with an object of the ſame nature in the competition of the Alides and Abaſſides. The authority of the latter became unbounded, and was finally cruſhed under its own weight, when the deſcendants of Ali were no longer their rivals.

Cromwell conſidered a competition of this kind as a neceſſary aid to perpetuate the ſupreme power in his family. No man underſtood human nature better than he: ſuperior to the prejudices of parents in favour

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[†] Xenophon, Hiſt. lib. ii. Plutarch, in the Life of Lyſander.

of their children, he looked upon his ſon Richard as a very weak man, and of a character quite the reverſe of his own, which was that of reſolution, vigour, and firmneſs. The royal family of England owed its preſervation to the conſequences which he drew from this knowledge. He was deſirous of leaving a counterpoiſe to his ſon, which might be a means of keeping him ſteady; a ſpur to urge him on, and counteract the ſoftneſs and indolence of his natural diſpoſition; a ſupport, in ſhort, for an edifice, whoſe foundations bore no proportion to its magnitude. He was likewiſe acquainted with the reſtleſs diſpoſition of his countrymen: he thought he had fixed and determined them againſt the Stuarts by all the ills they had made theſe princes ſuffer[*]; in fine, he had brought the Engliſh nation to ſuch a paſs, that it appeared to have nothing to fear except the reſtoration of a family, whoſe reſentment could not but be equal to the ill uſage which it had received.

With theſe views, and upon theſe motives, he ſaved the houſe of Stuart which he might have cruſhed[†]: the miniſters of moſt of the courts, to which that great and forlorn family repaired under their misfortunes, would not have been ſo ſcrupulous as to refuſe ſuch a ſacrifice to a man, to whom they cringed and fawned, and even ſacrificed all the moſt ſacred ties of humanity[‡].

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[*] *Non pardona mai chi offende*, "He never pardons who does the injury," ſay the Italians, who muſt certainly underſtand the ſubject.

[†] *Perdere potui, ſervare an paſſim rogas?* "I could deſtroy; do you aſk whether I am able to ſave?"

[‡] In the very year that Charles I. was executed, thoſe of the faction of the Frondeurs at Paris, had cauſed a ſatire to be printed, which diſcovered the ſubſequent conduct of the courts of Europe upon occaſion of that great event, and the indifference with reſpect to an attempt which they ſhould have conſidered as the common cauſe of all crowned heads. I have a collection of Mazarinades, in which there is a piece, entitled: An Agree-

Charles II. ſhewed his gratitude to the ſon of Cromwell, for the politic generoſity with which the father had behaved to the exiled family. His vengeance fell only upon the corpſe of the uſurper, and upon the tradeſmen employed in his funeral, who could never obtain payment: in conſequence of a clemency unparalleled in hiſtory, whether ancient or modern, Richard Cromwell deſcended, like a judge from his tribunal *, from a throne embrued with the blood of his ſovereign, and with that of the nobleſt families in the nation, amongſt whom he lived to a great age, enjoying that tranquillity for which he ſeemed by nature formed, and a ſecurity which he could hardly have expected. Wilkins, brother-in-law to Cromwell and one of the moſt zealous chiefs of the republican party, was nominated by Charles II. to the biſhoprick of Cheſter: the Royal Society owed its eſtabliſhment to him, for he was one of the chief promoters of its intereſt with that prince †.

The Engliſh are divided with regard to the intention which queen Anne is ſuppoſed to have had of recalling the exiled family to the throne ‡ of Great

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Agreement between the four Emperors of the Eaſt, to revenge the death of the king of England. Paris, printed for Marlot, 1649, 8 pag. 4to. The learned David Blondel ſince publiſhed, Conſiderations Political and Religious, wherein he launches out into invectives againſt thoſe ſovereigns, who, inſtead of revenging the death of Charles I. rivalled each other in courting the alliance of his executioner.

* *Ut ſi clientum longa negotia,*
Dijudicatâ lite, relinqueret. Hor.

† Wood. Antiq. Oxonienſes.

‡ Rapin Thoyras has ſpoken of this intention with an impartiality, which he does not ſhew upon any of the points nearly or remotely connected either with France or religion. He has even run into exceſs in this reſpect, firſt in ſaying, tom. xii. p. 551. "thus died Anne Stuart, not without a ſuſpicion little honourable to her ſucceſſor's party," and afterwards in the next page, "it would be a folly to aſcribe her death to any other cauſe but her fondneſs for ſpirituous liquors: that is the poiſon which cauſed her untimely death."

Britain: they prove this intention by the ſudden diſlike of that princeſs to the duke of Marlborough; by the unexpected revolution in her miniſtry; and laſtly by the ſteps which determined the peace of 1713. Others are of opinion that as ſhe did not reſtore the exiled family, ſhe never had ſuch an intention.

But we ſhould take notice, that queen Anne did not long ſurvive the peace, and that the elector of Hanover, ſupported by the whig party, and that of the old miniſtry, neglected nothing to maintain his pretenſions. That prince aſcending the throne of Great Britain, wreaked his vengeance on queen Anne's miniſters for the uneaſineſs they had given him: the heads of that adminiſtration owed their ſafety to a precipitate flight *. The efforts of the Jacobite party, encouraged by confidence in the queen's intentions, were ſtifled and quelled. In fine, the negociations and the alliance of George I. with France, utterly defeated the hopes of the abdicated family.

The addreſſes of both houſes, and all the ſpeeches of the kings of the houſe of Hanover to parliament, are filled with proteſtations of attachment to the preſent conſtitution. If it be fundamental, as it was ſtiled at its firſt eſtabliſhment, and the ſeveral revolutions by which it was reſtored to its original ſtate, why do they not call it conſtitution purely and ſimply! By conſtantly adding to it the epithet *preſent*, it appears that the nation, and even the princes themſelves, conſidering it only as a preſent poſſeſſion, retain ſome doubt with regard to the reigning family's right to the throne *.

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* See the articles of impeachment againſt Robert Harley, earl of Oxford; James, duke of Ormond; and Henry, lord viſcount Bolingbroke; tranſlated from the Engliſh, and printed at the Hague in 1715: and the trial of the earl of Oxford, publiſhed in 1717.

If oaths, which ſeem to be intended as a ſecurity to the conſtitution, have any force, can this be ſuppoſed to be the caſe in England, where twenty ſuch oaths were never any obſtruction to the princes of York and Lancaſter, whenever they had an opportunity to aſcend the throne? How eaſily was the Reſtoration effected in 1660, notwithſtanding the oath which in Cromwell's time bound the whole nation to the *preſent conſtitution!*

Time and experience will teach the Engliſh what they have gained or loſt by the extinction of the Stuarts. If they are loſers, they will, doubtleſs, aſcribe it to the profound policy on the part of France, which ſo greatly contributed to eſtabliſh the houſe of Hanover in the poſſeſſion of the throne of England †.

THE HOUSE OF COMMONS.

What I have ſaid at the article Peers and Government, is ſufficient to give an idea of the upper houſe of parliament: the ſame intereſts, the ſame factions are common to it with the lower houſe: as they are both ſimilar in this reſpect, it will be ſufficient to treat here of the commons.

England had always freemen and free-holds: the maxim, no land without a lord, was neither in the Roman civil law, nor agreeable to ancient manners, the ſpirit of which the laws of Rollo could not extinguiſh either in Normandy, or in England where they obtained after the Conqueſt.

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* In 1650, the parliament had eſtabliſhed the form of an oath to be taken by all thoſe who offered themſelves candidates for any dignity, place, or employment, which was couched in theſe terms: I promiſe to continue faithfully attached, and conſtantly ſubject to the preſent commonwealth, without either king, ſovereign, or lord. See the Tracts of Dr. Saunderſon relative to this oath.

† *Hoc Ithacus velit & magno mercentur Atridæ.*

Thoſe manners have conſtantly tempered the exceſſes of that law, which violence and the abuſe of power firſt introduced; of that law which the decline of the Carlovingian family had ſpread over all Europe; of that law, in a word, which is the height of injuſtice and abſurdity to every man, who ſees it in any other light but that in which it has pleaſed the count de Boulainvilliers to view it.

The vaſſals, however, ſubject to this law, lived very peaceably under maſters, whoſe intereſt it was to protect and defend them, as well as to promote their increaſe: thoſe maſters treated them as the antient Romans did their ſlaves: it was the *juſta & clemens ſervitus* of Soſia in Terence. In paſſing from this ſtate to liberty, it may very juſtly admit of a doubt whether our peaſants have bettered their condition. If the advantages and diſadvantages of their ancient and preſent ſtate were weighed in the balance of reaſon, the latter perhaps would, in many reſpects, appear to be in the caſe of the game upon a common, free to every ſportſman.

The hiſtory of the middle age has preſerved the memory of certain facts relative to the ancient ſtate of vaſſals, which ſhould, doubtleſs, be conſidered as exceptions to the general rule. In 1248, during the firſt voyage of St. Lewis, the dean and chapter of the cathedral of Paris dragged their vaſſals of Chatenai-ſous-Baigneux from the country, and kept them in their own priſon in that capital, for refuſing to pay them certain dues; and in order to force them to a compliance, they would allow no ſubſiſtence to the poor wretches. It was to no purpoſe for queen Blanche to intercede for theſe unhappy people:

the chapter, far from yielding to her intreaties, cauſed their wives and children to be ſeized and confined in the ſame dungeon, inſomuch that many of them were ſtifled for want of air. The queen, provoked at this extreme rigour, repaired in perſon to the priſon at the head of a company of armed men, ſtruck the door with her ſtick, ordered her attendants to break it down, ſet the poor people at liberty, and cauſed the temporalities of the chapter to be ſeized, till entire ſatisfaction ſhould be made *.

The panegyriſts of St. Lewis ſeem to be ignorant that a great part of the franchiſes are dated from the reign of that prince, who, whilſt he exerted himſelf to promote the intereſts of humanity, carried his grand-father's plan into execution for the re-eſtabliſhment of the royal authority. Long before this epocha certain noblemen had made ſome of their vaſſals free, upon condition of their paying a particular ſum towards defraying the charges of their expeditions beyond ſea: thus is Europe indebted to the Cruſades for the beginning of its liberty. The body of the clergy never taking part in theſe expeditions, had no influence on the condition of their vaſſals, who being, at the ſame time, conſidered as attached to the glebe, were like it unalienable: their freedom was the work of the royal authority, in attempting to reſume its rights.

The commons of England, of whom the gentry and the inferior clergy make part, do not, in the leaſt, reſemble thoſe of France. England has retained only a very ſmall number of collegiate churches. The chapters of cathedrals are by no means numerous; in fine, the pariſhes, even thoſe of London, have two or three perſons, either in

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* Latin Chronicle, by Auteuil, in the Appendix to his Hiſt. of Queen Blanche.

prieſt's or deacon's orders, to officiate in them, and moſt of them are married.

The magiſtrates are, in compariſon, equally few in number. The towns are not overburthened with that multiplicity of juriſdictions and little magiſtracies, by means of which, ſays Loiſeau, every petty citizen in France has his little office in his own town, as every monk has one in his cloiſter *: theſe little offices ſuit the narrow faculties of thoſe petty citizens, as a ſhoe fits a foot; faculties purely pecuniary, to the excluſion of the intellectual, which never entered into bargains of this nature. "We muſt be ſomething, cry men in concert, who of themſelves would be nothing †."

Mezeray in the firſt edition of his Chronological Abridgment, aſcribes this increaſe of offices in France to the pope's reſiding at Avignon: "They have brought amongſt us, ſays he, and have left us, ſimony and a rabble of ſcriveners." The expreſſion is low; but the fact is true.

Budeus, in his Obſervations upon the Pandects, inveighs with equal energy againſt this increaſe, which may be dated from the reign of Lewis XI. Seiſſel, who wrote under Francis I. ſays in his *Monarchy* ‡; that in his time there were more offices in France than in all the reſt of Chriſtendom: for a hundred that there were in the time of Seiſſel, adds Loiſeau, who lived in the reign of Lewis XIII. there are now a thouſand, and over and above this number more than 5000 have been created within theſe fifty years."

In the ſixth of his political emblems the learned Diego of Saavedra conſiders the multiplication of the offices of judicature in his country; and looks upon it as one of the principal cauſes of the depopulation of Spain. If, notwithſtanding this, we conſider theſe offices with the eye of a politician, and apply to them the conſiderations of Plutarch in his problems concerning the effects of buying and ſelling in the election of magiſtrates for the ancient republics, perhaps it will reſult from thence that our offices, multiplied by views merely pecuniary *, have, in the end, made the ballance incline to the authority which had eſtabliſhed them; in the ſame manner as in the ancient republics, when buying and ſelling had cauſed a democratic ſtate to be converted into a monarchical government. England may aſcribe the equality, which ſhe has maintained in the ballance of power between the king and the nation, to this particular circumſtance, that her kings, contemporaries of Lewis XI. of Lewis XII. and of Francis I. left the courts of judicature in the ſame ſtate in which they found them.

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* Loiſeau, in his Treatiſe concerning Offices, l. iii. c. 1. § 8.

† Preliminary Diſcourſe to the Poem of the Seaſons.

‡ Lib. i. c. 14.

Arrangements of an oppoſite nature, whilſt they enable individuals in France to increaſe their fortune by public employments, afford no opportunity to gentlemen in England of making any figure or acquiring any ſettlement but by landed property, the value of which depends on the competition of purchaſers, that is to ſay, bears no proportion to its real product.

The commons of England therefore conſiſt of men who live upon their fortune, or who are divided between commerce, manufactures, and agriculture. The men of theſe ſeveral ranks are called good men, yeomen or freeholders, when they have land of their own to a good value. They com-

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* Theſe are pledges of fidelity put into the hands of princes: they are a ſort of wagers in favour of the preſent conſtitution.

poſe that order of citizens whom our old cuſtoms call *free perſons* in the country, and noble *burghers* in towns: theſe are the *good men* whoſe aſſiſtance is ſo frequently called for in Froiſſard, Monſtrelet, &c. by the kings of France and England[*]: thoſe princes gave the appellation of their good towns to thoſe in which there was the greateſt number of *good men*; and it is in this ſenſe that the king, to this day, diſtinguiſhes Paris by the peculiar name of his *good town.* The moſt remarkable privilege which theſe good men are veſted with in England, is the right of carrying arms, and hunting upon every ground, except the king's foreſts.

Every circumſtance beſides concurs to bring people in eaſy circumſtances to a level with the nobility, of whom they are a ſeminary, and with whom ſuch as are fond of titles, have a thouſand means of incorporating.

I have ſpoken above, at the article Commerce, of a law of Edward I. in virtue of which every free man poſſeſſed of land to the value of twenty pounds a year, was obliged to get himſelf admitted a knight, *miles*, upon paying an inconſiderable ſum.

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[*] Thoſe two kingdoms were then governed, with regard both to the finances and the order of judicial affairs, by the ſame principles. Joly, in his Remarks upon the Works of Loyſel, p. 490, cites a remonſtrance made to Charles VII. in open council by John Juvenel, archbiſhop of Rheims. This remonſtrance, which is preſerved in the king's library, proves the neceſſity of the conſent of the nation to the eſtabliſhment of impoſts, then known by the appellation of *Octrois*: "I was informed, ſaid the archbiſhop to the king, that there was in your privy-council a perſon, who ſaid in your preſence upon the ſubject of levying money upon the people, who were repreſented as exceeding poor, that *the people are always grumbling and complaining*: which was a thing very improper to be ſaid in your preſence. For it is rather an expreſſion to be uttered to an inhuman tyrant, that has neither pity nor compaſſion upon his people, than before you, who are a moſt Chriſtian king. Whatever ſome may ſay of your kingly power, you cannot take what is mine: what is mine, is not yours. In matters of juſtice you are ſovereign, and the juriſdiction is yours; you have your crown lands, and each individual has his."

Matthew Paris, William of Weſtminſter, the laws of Henry III. and Edward I. ſhew that the citizens of London enjoyed, with the title of baron, privileges proportioned to the influence of that capital in every revolution. Thoſe priveleges were afterwards extended to the cities of York, Cheſter, &c.

The commoneſt method of raiſing a perſon above the order of a plebeian, is the king's nomination to a dignity in the law, or the army, or to any particular commiſſion. The king's ſimply making a man a knight, founds a title, upon which the herald's office makes out a genealogy and a coat of arms for the candidate *.

It is likewiſe a received cuſtom for lawyers, phyſicians, profeſſors at an univerſity, and all thoſe who live genteely by the polite arts, to take the title of Eſquire. They aſſume it in all deeds and inſtruments; and even inſcribe it on their tomb ſtones. The houſe in which a 'ſquire dies, bears his atchievement during a twelvemonth, painted upon a black ground in a large frame of the form of a lozenge, affixed to the outſide of the building in which the 'ſquire breathed his laſt.

In England, as well as in other countries, a perſon is raiſed above the order of plebeians, by the profeſſion of arms, by places given by the king, by the confidence with which a man affirms himſelf to be a gentleman, by deſcendance from a man who has ſhewn ſuch confidence; by removing from the province in which a perſon received his birth to another in which he is leſs known [*]; in fine, by the condeſcenſion of the public and even of the gentry themſelves, in favour of theſe regulations, the more amuſing to the public as they hurt nobody, and the leſs intereſting in England, as the law acknowledges no other nobility than the peers of the realm.

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* Before the Norman conqueſt, it was the church that conferred the rank and title of knight. The Normans, far from adopting this cuſtom, conſidered it in the ſame light in which it might be viewed at preſent: *Conſecrandi militis Normanni conſuetudinem abominantes non legitimum militem talem tenebant, ſed ſocordem equitem & Quiritem degenerem reputabant.* "The Normans abominating the cuſtom of conferring knighthood, did not conſider one ſo knighted, as a lawful knight, but as a poltron and a degenerate Roman." *Ingulfus, among others Writers of Engliſh Hiſtory*, p. 901.

This is likewiſe one of the veſtiges of the antient manners of Europe, recorded in the archives and diplomas of our kings of the ſecond race, and totally aboliſhed in France under the anarchy of the feudal law. This law being made the only regulation of our political and civil government, turned the kingdom of France into a grand fief, in which the title of nobleſſe was extended to all who poſſeſſed any portion of lands held of the crown.

This facility of admiſſion into the order of nobleſſe will not ſeem ſurpriſing to thoſe who are acquainted with the hiſtory either of the Greeks or the Romans, amongſt whom rank was ſettled either by riches, or great actions, or by the preferments naturally ariſing from merit and opulence [†].

Plato himſelf propoſed this diſtribution for his republic. God, ſaid he, when he created men, mixed a tincture of gold in the compoſition of ſome ſouls: 'tis ſuch as theſe that are formed to command. Thoſe which have in them only a mixture of ſilver or braſs, are intended for arms or bodily labour. Examine, adds he, ſpeaking to the chief perſons of his commonwealth, what metal is mixed in the ſouls of your children: if it be of iron or braſs, confine them to the claſſes for which they are born; and if in theſe claſſes there are children whoſe ſouls have a mixture of gold, make all expedition in giving them to the republic, which, according to the oracle, muſt periſh when ſilver and braſs bear ſway."

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[*] According to the Italian proverb: *Paſſato il fiume o la montagna, ogni gual'n-buomo è gentil-buomo.* "The river, or the mountain being croſſed, every gentleman is a nobleman." It is a great piece of ſimplicity, ſays la Bruyere, for a man to own at court any meaneſs of origin, and not to profeſs himſelf a gentleman born. 8th edit. p. 259.

[†] Thoſe enlightened nations ſeemed to ſuppoſe what the good native of Champagne deſired, who ſaid, "Why did not Adam think of aſſuming the dignity of king's ſecretary? We ſhould then have all an undiſputed right to the title of gentlemen." Eph. Troy, 1767, p. 175.

Rome owed its grandeur to the perpetual competition between the ancient families, and the *new men*, who often eclipſed them. Under the firſt Cæſars, Agrippa and others of equal meanneſs of parentage, ſaw all the great families of Rome at their feet *, which were conſtantly forgotten in the election of emperors †; in fine, the empire no longer had any diſtinguiſhed families, but thoſe of the order of ſenators: now in tracing things up to the firſt Cæſars, we find the ſenate-houſe opened to, and the laticlave ſucceſſively beſtowed on all the ſubjects of the empire, who had fortune ſufficient to ſupport that dignity ‡, whatever might be the ſource of their opulence.

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* *Et Paulos & Fabios Max. & Coſſos & Servilios & agmina nobilium non inania nomina præferentium ſed imaginibus ſuis inſignium.* Senec. de Clem. lib. i. n. 9. "Both the Paulus's and the Fabius Maximus's, the Coſſi, the Servilii, and crowds of noblemen, not bearing empty names, but illuſtrious for the ſtatues of their anceſtors."

† The following lines of Juvenal were addreſſed to them.

Stemmata quid faciunt? Quid prodeſt, Pontice, longo
Sanguine cenſeri, pictoſque oſtendere vultus
Majorum, & ſtantes in curribus Æmilianos? Sat. viii. v. 1.

‡ *Galli braccas depoſuerunt et latum clavum ſumpſerunt effuſa eſt in curiam omnis Barbaries.* "The Gauls have laid aſide their breeches, and put on the laticlave; all the Barbarians have ruſhed into the ſenate." Suet. Tecit.

The origin of French nobility, and the privileges by which it is tranſmitted, are founded, 1. On the perſonal exemption from impoſts, eſtabliſhed by barbarous nations, in favour of their warriors. 2. On the order originally eſtabliſhed for the ſucceſſion to fiefs.

Now theſe two cauſes have been null and void with reſpect to England near ſeventy years paſt: in the reign of William III. the *ſcutages*, which, for three centuries aroſe out of baronies and knight's fees, were, like the *tallages* and other impoſts of an ignoble and inferior kind, converted into equal aſſeſſments, or into cuſtoms on conſumable commodities. The nobility and the clergy are, in this reſpect upon a footing with the common people, as well as with regard to public works, that are carried on by means of tolls, from which the king himſelf is not exempt. As to what concerns the fiefs, every man becoming qualified to poſſeſs them, reaſon and ſound policy have at laſt reſumed their rights, invaded by ignorance and barbariſm, which had raiſed, and ſo long ſupported the feudal ſyſtem. With regard to the peerages conferred by the king, they are titles *ſine re*, and *caſtles in the air*, like the titles of Caſtile.

The perſonal tallage or poll-tax, eſtabliſhed in France a uſeful and very real diſtinction in favour of the nobility, who were exempted from paying it*: this diſtinction being uſurped by the richeſt citizens, threw the burthen of all public offices upon the common people; which, in 1666, determined the council of Lewis XIV. to make an inquiry into thoſe who had intruded themſelves into the rank of the nobleſſe. But in prejudice of the people whom they ſeemed deſirous to ſerve, this reſearch, without adding in the leaſt to the luſtre of the ancient families, has created new ones, and reſigned to idleneſs and indolence a multitude of inſignificant perſons, who are totally loſt to the ſtate, to which they think themſelves of the higheſt importance[*].

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* This exemption was granted only to ſuch perſons as were ennobled, and on condition of paying the ſum, to which the indemnity of the people, belonging to the place where thoſe ennobled perſons lived, might amount, according to the eſtimate of their ſubſtance, and of their means, in caſe they ſhould be bound to pay tallage. This clauſe was always added to the patents of nobility granted by Henry IV. and by Lewis XIII.

Since the eſtabliſhment of the real tallage, or land-tax, the nobleman pays at leaſt in part by his tenant, according to the views of certain intendants of provinces; even the *corvées* being replaced by contributions upon the ſcore of the tallage[†], fall likewiſe in ſome meaſure upon the nobleſſe.

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[*] Huetius, biſhop of Avranches, had been put to trouble by the tax-collectors upon enquiring into his deſcent: *Tam importunè,* ſays he, of thoſe collectors, *tàm inſolentèr abutebantur poteſtate ſibi conceſſâ, ut familias aliquot certâ & indubitatâ nobilitate gaudentes dejicerent de gradu & referrent in ordinem plebeiorum; obſcuras alias et ignobiles nobilium jure donarent.* Com. de Rebus ſuis. l. iii. p. 197. "So importunately, ſo inſolently did they abuſe the power granted to them. that they degraded certain families of unqueſtionable nobility from their rank, and reduced them to the condition of plebeians, and conferred the rights of nobles upon others which were mean and obſcure."

[†] The realiſing the tallage has no other inconvenience attending it but the obſtruction it raiſes to the increaſe of the horned and other cattle in level countries, where they conſtitute the chief wealth of the owner. It is well known how much the huſbandman dreads whatever may increaſe his fold. Might not this very dread be turned to good account by fixing the quantity of cattle, which each peaſant ſhould poſſeſs in proportion to the ground he tills, to the extent and fertility of that around his village, to the number of common paſtures, and to the nature of the ſoil; and by levying the tallage upon the cattle only, which might be wanting to the quantity fixed for each inhabitant. Even by gradually increaſing this quantity, there would reſult as much good as there does harm, from the increaſe of the tallage in proportion to that of the cattle. The quantity being once made up, the default which would reſult from thence in the tallage, might be ſupplied from thoſe lands which ſhould yield the moſt profit, by new modes of manure, and of courſe by the increaſe of fertility. Even

By this change in the method of levying the tallage, the ſtate finding itſelf unintereſted in preſerving the barrier which ſeparates the plebeians of eaſy fortune from the nobleſſe, it is almoſt as uſual, at preſent, to ennoble families in France as it is in England; and uſurpations which prejudice no body, are become of no conſequence: by this enobling, by theſe uſurpations, and by the acquiſition of preferments annexed to the nobility, every rich citizen is allowed in thoſe provinces, where an equal diviſion of inheritances is eſtabliſhed, to entail beggary upon the ſecond or third generation.

We muſt, however, take notice that in England, whoſe laws are, in every reſpect, favourable to the eldeſt ſons, none are incorporated into the order of the nobility, except citizens, whoſe fortunes ariſing from induſtry and œconomy, are as beneficial to the ſtate as to thoſe who poſſeſs them. But in countries where the management of the revenue happens to become the ſhorteſt and ſureſt road to opulence, there might, perhaps, be reaſon to apprehend that the firſt order in the nation would ſoon conſiſt entirely of farmers of the revenue.

England is ſecured from this fear: its laws, its prejudices, the patriotical enthuſiaſm of all orders in the ſtate, the little eſteem in which the financer's profeſſion is held, the multiplicity of lawful means of making a fortune, which are open to honeſt induſtry, all theſe circumſtances ſeem to ſecure to it that perpetuity of refined manners, generous ſentiments, and public virtue, from which the nobility derive their true luſtre.

Even by falling to the king's account, the default would be abundantly compenſated by the increaſe of the product upon all objects of conſumption. This meaſure requires only commiſſioners, whoſe views are not confined to the ſalary ariſing from each fold.

The gentry do not conſider themſelves as beings that have nothing in common with the *good men.* They look upon the wealth which has raiſed them to that diſtinction, as the only means of ſupporting it: through gratitude, as well as neceſſity, they continue to act as merchants, huſbandmen, inſurers, lawyers, phyſicians, &c. and bring up their children to thoſe profeſſions. In their opinion, rich and induſtrious gentlemen are as important and reſpectable, as thoſe who loiter away their time in ſloth and indigence.

The ſame principle regulates the marriage of the Engliſh gentry. They form alliances either with their equals, or with tradeſmen enriched by honeſt induſtry. Their richeſt heireſſes are married to peers of the realm, who frequently having relations of their own in trade, do not think themſelves diſgraced by theſe alliances. The mixture and confuſion, as it were, which reſults from hence, between the nobility and the mercantile part of the nation, is an inexhauſtible ſource of wealth to the ſtate; the nobility having thus acquired an acceſſion of wealth by marriage, the tradeſmen make up the loſs by their eager endeavours to make a fortune; and the gentry conſpire to the ſame end by their efforts to raiſe ſuch an eſtate, as ſhall procure a peerage for themſelves or their children.

I ſhall add to what I have already ſaid, in the preceding volume, that the author of the Preſent State of England, publiſhed immediately after the Reſtoration, confirms the æra which I have fixed for the introduction of commerce into noble families in England, by his railing againſt the trading nobility. After taking notice that the laws of England conſider the marriage of a noble ward with the daughter of a merchant, as ſcandalous, and that they authoriſe him to have recourſe to law in caſe ſuch a propoſal ſhould be made him by his guardian; he adds in a plaintive ſtile: "It is not long ſince the nobility of England have bound their children apprentices, which is a ſtate of downright ſervitude. It muſt be acknowledged, to the diſgrace of our nation, that we have beheld not only the ſons of baronets, knights, and gentlemen in ſhops, and ſometimes attached to the meaneſt trades, more calculated for women than men; but we have even ſeen an earl of this kingdom compel his ſon to learn ſuch a trade. But, adds the writer, the folly of the Engliſh in deviating from the maxims of their anceſtors, appears from thoſe young gentlemen ſeldom having been able to uſe themſelves to that ſervile way of life."

What would this writer have ſaid, had he taken into conſideration one of our ancient French cuſtoms mentioned in the firſt note upon the article which I have juſt ſpoken of, a cuſtom which, in expreſs terms, authoriſes the nobility to live as merchants or plebeians? Dumoulin, one of the greateſt lawyers in France, has put a more favourable judgment upon it *.

The right to civil offices, and that of voting at elections for members of parliament, give the common people of England a conſiderable degree of importance in the ſtate: every citizen boaſts of ideas and ſentiments ſuited to this rank, which were unknown even to the people of Rome in the latter ages of the republic.

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* *Prima facie,* ſays Demoulin, *ſtulta videtur iſta conſuetudo; ſed non eſt ita, quia valet pro ſecundò genitis, qui ſunt pauperes ſæpiſſimè, et interim coguntur mercaturam exercere; donec meliori ſorte adeptâ, nobiliter vivere poſſint & arma pro republicâ gerere.* "At firſt ſight, ſays Damoulin, that cuſtom ſeems fooliſh; but it is not ſo, becauſe it is of ſervice to younger brothers, who are often very poor, and in the mean time are obliged to live by trade, till their fortunes improve, and they are enabled to bear arms for the ſtate. *Comment. upon the ſixteenth Article of the Cuſtoms of Troyes.*

With ſentiments ſo lofty theſe very citizens unite a ſpecies of ſlavery, to which abſolute monarchs are entire ſtrangers, but which exiſted amongſt the Romans in the brighteſt ages of their republic, and was connected with the republican manners of the ancient Gauls deſcribed by Cæſar. This ſlavery is founded upon the nature of the government and the love of liberty [*].

It conſiſts in a connexion of dependency which unites all the orders of the ſtate, and every citizen diſperſed throughout theſe different orders. Theſe connections went at Rome by the name of *Clientelæ*, or clientſhips: from the *princeps ſenatus* down to the loweſt citizen *qui rem habebat*, the inhabitants of Rome were diſtributed by gradation into patrons and clients; inſomuch that a citizen, who was the patron of forty or fifty perſons below him, might be, at the ſame time, client to perſonages of a ſuperior rank.

Clientſhips are formed in England; 1. by the tie of being fellow ſtudents; and this is one of the chief advantages of having ſtudied at the ſame univerſity with perſons of diſtinction. A nobleman there becomes of courſe the patron of all thoſe, who, being educated with him at the ſame college, have deſerved his friendſhip. Under the name of patronage, this friendſhip laſts as long as life itſelf; the patron promotes the intereſt of the perſons under their protection, who mutually ſerve their patron with their pen, their tongue, their credit, and in ſhort, with all their abilities.

2. By neighbourhood, a great lord is generally the patron of the inferior gentry, and of the middling

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[†] *Patres valere decet conſilio; populo ſupervacanea calliditas eſt.* Salluſt. "The ſenator ſhould be potent in counſel, as ſagacity is foreign to the common people."

claſs of people who are ſpread around his reſidence.

3. By party-zeal, which had placed at leaſt two thirds of the inhabitants of England under the patronage of Mr. Pitt. I have already ſpoken of the ſtatue which the city of Corke cauſed to be erected to him; a homage, copied from that which the cities ſubject to the dominion of Rome paid to their patrons: the noble legacy bequeathed to Mr. Pitt by one of his admirers, is an imitation of the cuſtoms of antient Rome.

By means of theſe clientſhips, changes in the miniſtry are generally felt throughout the nation *; every new miniſter endeavouring to place his clients, whom he calls his *friends*, in the manner beſt ſuited to their abilities, to their profeſſion, to their condition, but ſeldom to their pretenſions. He, who neglects this ſtep is undone; he is accuſed of ingratitude by his whole party: a perſon called to the adminiſtration, has no chance of continuing in office, without a number of adherents to ſupport him; the ſeveral factions quickly unite to oppoſe him, and to point him out to the nation as a common enemy.

Noblemen do not in England ſtand in need of the ſuffrages of the people, like the great perſonages in the Roman republic; but as their national credit is eſtimated by their influence in the houſe of commons, and this influence is proportioned to the number of creatures whom they have in that houſe, it is eaſy to perceive how much it is their intereſt to gain over the freeholders who vote at the election of members.

Theſe connections being formed, and ſupported by mutual intereſt, are the grand ſpring and *primum*

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* In the ſame manner as changes in the pontificate are felt throughout modern Rome.

mobile of factions. Such noblemen as have moſt intereſt, are like ſo many colonels at the head of regiments, always under arms; and in the conteſts between thoſe factions, as in combats upon the field of battle, the victory, generally ſpeaking, declares for the moſt numerous battalions.

In the midſt of theſe ſtruggles, the king of England, like Homer's Jupiter, lets fall his golden chain, which attracts all around it, and keeps them ſuſpended in the air *. This chain reſtores to the regal power that weight which it loſt by the diminution of the prerogative at the Revolution. Sir Robert Walpole, a miniſter moſt expert in managing this chain, laid down theſe two maxims: 1. That every man has his price, which ought to be found out. 2. That a miniſter is often obliged to bribe the members of parliament to vote, not againſt, but according to the dictates of their conſciences †.

In England, however, as well as amongſt the ancint Germans, and at Rome in the bright days of the republic, the quality of client implies nothing mean or ſervile ‡. It did not become ſo at Rome till the political ties which it formed, were deſtroyed by the concentering of all power in the perſon of the emperor ||. After that revolution, the place of clients was ſupplied by paraſites, whom their patrons ſatisfied by giving them a certain portion, either of

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* Τὰ δὲ κ᾽ αὖτε μετήορα πάντα γένοιτο. Iliad. l. viii. v. 26.

† Eſtimate of the Manners and Principles of the Times, by Dr. Brown.

‡ Cities, nations, kings, had patrons in the Roman ſenate, who were paid in proportion to the ſervices expected from them: this patronage conſtituted a part of the patrimony of the chief families in the ſenate. The ſame rights have been perpetuated in the ſenate of modern Rome, by the protection of kingdoms.

|| *Omnes, exutâ æqualitate, nutus principis aſpectare.* Tac. Ann. l. i. c. 1. "All being ſtript of their equality, depended upon the prince's nod."

proviſions or money[*]. Hence Martial reckoned amongſt the means of leading a happy life, freedom from the duties annexed to this new ſort of clientſhip[†], which, notwithſtanding its meanneſs, became, in a degenerate nation, as general, as the former had been in the days of the commonwealth[‡]: all had been clients, all became courtiers.

The country towns in England have an importance which ſuch places are deſtitute of elſewhere: this they owe to their right of ſending members to parliament every ſeven years. Their importance would be greater, if the members were bound to regulate their conduct in parliament, by the particular, or at leaſt, by the general inſtructions of their conſtituents; but under pretence of the impoſſibility of conſulting them upon that infinity of objects which engage the attention of the houſes, the members truſting to their own underſtanding and knowledge of matters, treat their conſtituents, in the ſame manner as biſhops aſſembled in council do their dioceſans. At each new meeting of parliament, we ſee new laws propoſed, which tend to ſhackle both the electors and the elected; but either theſe laws do not paſs, or they remain unexecuted; it being the intereſt of the court to have recourſe to every expedient, capable of inſuring its influence upon elections and debates in parliament.

The corporations of the towns in England, have likewiſe retained all the authority and all the privileges, which they formerly enjoyed in common with the towns of France. I have ſpoken of the corporation of the city of London, of its juriſdiction, and of the weight which it has had in all revolutions. I ſhall add, that beſides its juriſdiction upon the river Thames, it is poſſeſſed of the entire property of the courſe of that river, both in London, and for fourteen leagues, as well above as below that city. This property is exerted in the privilege of fiſhing, which it grants for ten guineas per mile; and the multitude of ſwans which it maintains upon the river. It is forbidden, under ſevere penalties, to kill or injure theſe ſwans. The little boys in the country take the liberty of robbing them of their eggs, which occaſions between them and the ſwans very ſharp conflicts, often dangerous to the aſſailants. I was an eye-witneſs to a combat of this ſort. One of the champions, whom a ſwan had taken by the noſe, left part of it behind him.

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[*] *Cliens et jam certus conviva*, "A client, and by this time a conſtant gueſt," ſaid Horace, in the moſt agreeable of his epiſtles to Mecænas.

[†] *Toga rara.*

[‡] Perſons of the firſt quality did not bluſh to mix with this ſervile herd.

Jubet, ſays Juvenal, *à præcone vocari*
Ipſos Trojugenas: nam vexant limen et ipſi
Nobiſcum: da Prætori, da deinde tribuno.

The eſtabliſhment, and the manner of levying taxes, belong excluſively to the lower-houſe; but this is at preſent done in France by the regiſtering of declarations and pecuniary edicts in the ſovereign courts.

All the objects of the revenue being in the department of the houſe of commons, it has in reality the abſolute command of all branches of the government; it is the arſenal of the forces of England, and, at the ſame time, the moſt powerful counterpoiſe to the royal authority, eſpecially ſince kings are no longer allowed to diſcontinue the meeting of parliament. But it will be objected, that a counterpoiſe of this force muſt naturally over-balance any oppoſite power, and England muſt be continually expoſed, by the very nature of its government, to fall again into the anarchy by means of which the famous Cromwell eſtabliſhed his authority. This critical ſituation is the object of Mr. Hume's conſiderations in the ninth of his Political Eſſays.

Eſſays: " a government, ſays he, conſtituted in ſuch a manner, that one of the bodies amongſt which the authority is diſtributed, might, whenever it thought proper, diſpoſſeſs the other, and ſeize the whole power of the conſtitution, would be a downright monſter in the eye of legiſlators and politicians. And yet, adds he, ſuch is the government of England." He makes anſwer: that the intereſt of the whole houſe of commons is checked and counteracted by that of each individual: that in this body a part of its members is always honeſt, diſintereſted, and all its views concentered in the good of the ſtate; in fine, that the king, by means of the favours in his diſpoſal, can always contrive to make the majority of the houſe conſpire with his views, by gaining them over to vote, not contrary, but according to their conſcience.

The whole department of the revenue belongs in ſo excluſive a manner to the lower-houſe, that, in order to render the bill for a national militia * fit to be laid before the houſe of lords, nothing was farther mentioned therein but the raiſing of that militia, and the means of effecting it. The arms, the pay, and the cloathing, &c. were the objects of a particular bill, which, like all others of that nature being agreed to by the commons, paſſed without examination in the upper-houſe, which can make no alteration in it.

My intention was to give here the reſult of the inſtructions, and the memorials which I have procured concerning the antient and preſent ſtate of the finances of England. Judge Blackſtone's Commentary upon the Engliſh laws had likewiſe furniſhed me with excellent lights concerning this ſubject; but Mr. Grenville's memorial concerning the adminiſtration of the finances ſince the laſt peace, tranſlated into French,

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* In 1757.

and publiſhed ſince my return, with a very circumſtantial introduction, unites the ſeveral objects intereſting to the curioſity of a foreigner, who will be aſtoniſhed to find the prodigious height to which the national debt is arrived. With what terror muſt this aſtoniſhment be mixed in the eye of Engliſhmen, who have read in the Political Arithmetic, publiſhed by Davenant, in 1699: that England would be threatened with the moſt dreadful poverty, if five or ſix millions ſterling were ever levied there in a year?

At the article of impoſts, Mr. Greenville's memorial does not make mention of a tax of fourteen pence Engliſh laid during my reſidence in London upon every beaver's ſkin ſold to foreigners. The product of this impoſt makes no part of the revenue of the ſtate: it is left to the hatters of London for the encouragement of their trade; and the prices of their goods being lowered in proportion to this benefit, determined the Spaniards to provide themſelves at London with beaver for Cadiz and America. England had furniſhed Spain with this commodity till the war concerning the ſucceſſion: France had obtained that trade at the above period, and it continued in in her poſſeſſion according to the prediction of the Abbé Dubos †.

The national debt with which England is at preſent overloaded, appears to all Europe, even to the Engliſh themſelves, a ſubject capable of occaſioning the moſt ſerious reflexions.

Till about the cloſe of the laſt century, England, as well as all the other ſtates of Europe, had regulated its expences by its annual revenue, and ſupplied its extraordinary expences by the eſtabliſhment of occaſional ſubſidies. This ſyſtem had been ſet on foot by the Engliſh Solomon Henry VII. who laid it down as his firſt maxim, that a poor king is only half a ſovereign *. His whole conduct, which had been regulated by this maxim, was afterwards imitated by queen Elizabeth. In France, Lewis XII. and Henry IV. governed upon the ſame principles; and being like Henry VII. reproached with avarice by their ſubjects, they, without doubt, ſaid with Lewis XII. "I had rather ſee them laugh at my œconomy, than weep at my prodigality †."

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† Intereſts of England, 2d Edit. p. 46.

Mr. Hume, in the fifth of his Political Eſſays, maintains, that theſe vaſt ſums amaſſed in the coffers of the ſovereign, are of as much weight in the balance of power, as bank-bills, and other fugitive effects are the reverſe. He does not even apprehend that any inconveniency could reſult to a ſtate, whoſe ſovereign ſhould embrace this ſyſtem. "Nor is it probable, ſays he, that the diminution of circulation was ever ſenſibly felt by the people, or ever did them any prejudice. The ſinking of the prices of all commodities would immediately replace it, by giving England the advantage in its commerce with all the neighbouring kingdoms." And upon this occaſion, he cites a multitude of examples, both ancient and modern; examples obliterated by that of the formidable power, which we have ſeen in our days ſtart up in Germany, without any other baſis than a great treaſure hoarded up in a country far from opulent, by means of great order and œconomy.

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* See his life by the lord chancellor Bacon, who informs us, that, at the death of that prince, there were found in his coffers [illegible] marks in coined ſilver, or in gold and ſilver plate; he had, beſides, a prodigious quantity of moveables, and herds of cattle without number.

† Remarkable ſayings of Gilles Corroſet.

Before the management of the finances was reduced to a ſyſtem, the kings of France had no external reſources, but in the alteration of the coin, and the confiſcations, which fell alternately upon the Jews, and upon thoſe who had the direction or diſpoſal of the public revenue. Since the reign of Lewis XI. the ſale of places, and the creation of new offices, had ſupplied money to bear the expences of the ill-concerted wars of Lewis XII. and Francis I. That reſource became inſufficient, ſince the introduction of financiers, by means of the Italians, who followed Catharine of Medici into France: they doubled the old taxes, created new duties, and took advantage of the eagerneſs of the French for places and dignities: after a reign of twelve years, Henry II. left the ſtate involved in a debt of forty millions of livres, and that debt had an influence upon the ſucceeding revolutions, which has eſcaped all our hiſtorians. Henry IV. and his miniſtry had again put the ſtate upon its former footing. But the kingdom having had the misfortune in the reign of Lewis XIII. to fall into the ſame hands, which ruined it under Henry II. ſupported itſelf by the ſtrength of its conſtitution *, till the eſtabliſhment of government loans invented as the laſt ſhift in the very worſt of times by the comptrollers general Pontchartrain and Chamillart.

This ſyſtem differed only in its form from the ancient creations of offices, which were nothing elſe but loans at the expence of the ſtate; the more deſtructive, as by bringing an incumbrance on future

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* To ſupply money for the expence of the wars, feſtivals, buildings, &c. of Lewis XIV. Mr. Colbert raiſed ſuch ſums by the uſual means, as would have been ſufficient not only to pay off the national debt, but to attain the end which Henry IV. propoſed to himſelf.

kings, to uſe the expreſſion of Paſquier [†], they deprived the ſtate of new tenants: perſons who have had a patent, and are paid to work, but lead an inactive life, reſemble thoſe maſons mentioned by Æſop, who being ſupported by eagles in the middle region of the air, called out from thence for ſtones and mortar.

The ſyſtem of public loans had been long ſince eſtabliſhed by the Spaniards in their Italian dominions. The greateſt part of the crown demeſnes of the Two Sicilies, originally alienated for ſeveral loans, is ſtill in the hands of companies, which repreſent the firſt lenders. The Spaniards, by thus playing with the moſt certain funds, and by putting that kingdom into the ſituation of an eſtate at nurſe, had ſucceeded ſo far as to ſecure the fidelity and attachment of the creditors of the ſtate, that is the greateſt and moſt opulent part of the Neapolitans and Sicilians, from a principle of intereſt which might be affected by a revolution of government.

The new ſyſtem of loans, whilſt it ſports with the avidity of lenders, leaves them only fictitious funds, upon which they have neither right nor claim. This ſyſtem ſcarce eſtabliſhed in France, was catched at by king William, whom it delivered from part of the ſhackles with which the Engliſh had bound him; and the nation blinded by its ambitious deſigns and by the facility of carrying them into execution, with the utmoſt eagerneſs adopted the ſame plan as France. If this kingdom, after having ſet them ſo dangerous an example, had been able to retrieve itſelf, without breaking in upon its future revenue, what an advantage would it not have had over England! "It is certain, ſays lord Bolingbroke, that the ſtate which firſt extricates itſelf out of a diſtreſs, common to us and our neighbours, will give the law to whoever it thinks proper."

[†] Inquiries, lib. v. c. 27.

After the reign of Charles II. which, if not brilliant, was at leaſt very happy, that kingdom owed nothing, and the ſtate enjoyed a clear revenue of thirty millions of livres, at preſent fifty, all the charges of collecting deducted: this revenue did not make the twentieth part of the general revenue of the kingdom. The ſyſtem of loans being eſtabliſhed at the peace of Ryſwick, the ſtate found itſelf loaded with a debt of two hundred and thirty millions of livres, equal to three hundred millions of the preſent money, and its revenue was diminiſhed to ſuch a degree that the parliament of 1695 was obliged to aſſign king William a new fund for the civil liſt.

By a ſucceſſion of wars, the national debt has riſen to that enormous exceſs, in which we behold it at preſent. At the death of queen Anne, that debt had the ſame influence upon the fate of the Stuarts, that the forty millions of livres which Henry II. died indebted, had upon that of his unfortunate poſterity. The projects of queen Anne to recall the pretender, were * defeated by the apprehenſion of

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* The Abbé Dubos had been unlucky in predicting this very conſequence in his *Intereſts of England ill underſtood*, publiſhed in 1703, if we conſider the views of the miniſtry of Verſailles. He did the pretender as little ſervice in the ſame work, in proving that the throne would be forever inacceſſible to him, if the union between Scotland and England ſhould be concluded before the death of queen Anne. The above work, printed at the royal printing houſe at Paris (tho' ſaid to be printed at Amſterdam) and ſpread thro' the three kingdoms by the Jacobite party, excited alarms, the more real, as the pretender's intentions with regard to wiping off the national debt, were explained by France herſelf, who was to place him on the throne: theſe alarms determined the union of the two kingdoms. King William had attempted it in vain; it was effected in 1706, by queen Anne, who was very far from having the ſame inveteracy againſt the Stuarts as her predeceſſor: but

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the creditors of the ſtate, that is the whole nation, leſt the pretender aſcending the throne, and aſſerting his rights to liquidate the debts of the crown, ſhould demoliſh the funds, as the work of uſurpation, after the example of Charles II. who annulled all the acts of the protector.

The revolutions which the ſyſtem of loans is likely to introduce all over Europe, are unparalleled in the hiſtory of ancient nations, to whom this ſyſtem was utterly unknown.

One of the moſt powerful empires of antiquity, that of the Perſians, would have rejected it as diametrically oppoſite to that happy principle, on which its public virtue was chiefly founded. In conſequence of their abhorrence of injuſtice and lying, which the people were inſpired with by the laws, by education, by the example of the ſovereign and the magiſtrates, "they thought nothing more infamous than to live by borrowing: ſuch a life appeared to them the more diſgraceful as it is a ſource of mean actions *."

This ſyſtem was equally unknown to the ancient republics of Greece. We have a proof of this with regard to that of Athens, in Xenophon's treatiſe upon the reſources † of that ſtate almoſt exhauſted by its ambitious wars. Xenophon propoſes to that commonwealth to avail herſelf of the tranquillity which it had regained by the peace of Antalcides, ſo as to revive her commerce and her navy, to increaſe the number of her people, and to reſtore the value

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this union was not ſo much the work of that princeſs, as of the party, which, in 1701, had limited the right of ſucceſſion to the Proteſtant line. This innocent miſtake of the Abbé Dubos's proves the danger of indirect manifeſtoes, and of every polemical writing between hoſtile powers.

* Herodotus, lib. v. c. 138.

† Ποροι, which the tranſlaters have rendered by *vectigal*,

of the ſilver mines of Attica. Theſe enterpriſes required extraordinary funds; to raiſe which, Xenophon can ſuggeſt no other expedient but to borrow money upon the intereſt of two hundred per cent. the lender, ſays he, when he gives one mine, will gain two. Now notwithſtanding the extravagance of this intereſt, and the ſecurity of the fund boaſted of by Xenophon, this expedient was ſo wide of all received ideas, that he afterwards propoſes to immortalize by public inſcriptions, the names of thoſe, who, lending their money upon ſuch intereſt, ſhall deſerve to be ranked in the claſs of benefactors to their country, ἐνέρχεται *: which, continues he, will cauſe foreigners, princes, and great men, to promote our deſigns. This project did not take: the Athenians and the Grecian commonwealths thought, no doubt, like Mr. Hume, that "in free ſtates, the practice of contracting debts, and mortgaging the revenues of the nation, is a ſource of corruption which muſt bring on their ruin." Another Engliſh author of great reputation, aſcribes to France every advantage in this reſpect. "Abſolute princes, ſays he, may contract debts; but they have it in their power to declare themſelves bankrupts whenever they think proper; whereas in free ſtates, the leading men in the government being always creditors of the nation, it is impoſſible they ſhould have recourſe to this remedy, which, though it muſt be acknowledged to be cruel, is notwithſtanding oftentimes neceſſary †."

The Roman Hiſtory preſents us with an extraordinary example of money borrowed by the public, in the moſt dreadful emergency.

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* The ſame view ſeems in France to have directed the eſtabliſhment of thoſe dignities and places which confer nobility, ἐνέρχεται; what could not take at Athens, has ſucceeded at Paris.

† Political Eſſay upon Liberty and Deſpotiſm.

After the battle of Cannæ, the Scipios had juſt revived the glory of the Roman name in Spain: but their army was in want of every thing, and the country ſo exhauſted, as to afford no reſource. They thereupon wrote to the ſenate, who being in great diſtreſs themſelves, thought of having recourſe to public credit as their laſt ſhift *. They propoſed to the contractors and ſutlers that ſupplied the army of Spain with proviſions, to aſſiſt the commonwealth which had enriched them, by advancing the money neceſſary for carrying on that enterpriſe, which ſhould be reimburſed them, without intereſt †, out of the firſt money that came into the treaſury. The propoſal was accepted upon certain conditions, and Livy exclaims upon the occaſion: *Sic privatâ pecuniâ reſpublica adminiſtrata eſt: conducta omnia magno animo, ſummâ fide fuerunt præbita: hi mores, eaque caritas patriæ, per omnes ordines, velut tenore uno, pertingebat* ‡.

Though this good office was reduced to ſimply advancing money by the contractors, who, doubtleſs, regulated their offers upon this condition of the treaty, and though it has no connexion with thoſe public loans, which conſtitute the national debts that I am here examining, we may reaſonably, however, infer, both from the fact and from the warmth, with which Livy relates it, that every notion of public loan was altogether foreign to the ſpirit of the Romans with regard to the revenue; and from thence we may conclude alſo, that Rome had been governed by the ſame ſpirit, amidſt all the revolutions which ſhe had undergone, till the time when Livy wrote his hiſtory:

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* *Niſi fide ſtaret reſpublica, opibus non ſtaturam.* "If the commonwealth was not ſupported by credit, its wealth could not ſupport it.

† *Tempus commodarent*, "ſhould lend for a time."

‡ Tit. Liv. xxiii. c. 48. In all printed books it is read *pertinebat*.

a ſpirit that had prepared her for conqueſt, and enſured her a ſeries of wonderful ſucceſſes, which could have never happened to a government deeply encumbered with debt.

The Roman queſtors were uſed to draw only upon real and effective funds, conſidered as the nerves of the commonwealth*; theſe queſtors compared to the miniſters who have the direction of the national debt in England, will be conſidered only as thoſe ordinary ſort of men, who could not ſo much as ſtir thoſe enormous ſtones, which, in the hands of the heroes of the Iliad were no more than bottoms of yarn†.

Perhaps the Carthaginians, more inured to accounts and revenue-matters than the Romans, might have availed themſelves of public credit in the moſt difficult conjunctures of their wars with Rome; but hiſtory leaves us in the dark with regard to this fact, which, to judge by the event, would make againſt the people who ſhould have recourſe to that deſtructive expedient.

The immenſity of the public debt is the fruit of that opulence to which England has riſen by its commerce and its navy. In the Eſtimate of the Manners of England, written about the year 1757, and tranſlated into French in 1758, Dr. Brown propheſied, that England, and its American colonies, would at the next war, be ſwallowed up by France; becauſe, ſays he, the French are more religious, more united, more warlike, more attached to their principles, and leſs opulent than the Engliſh; and he conſidered this opulence as the principal cauſe of the diſparity upon which he founded his prediction. It would have been more juſt, if viewing the wealth of the Engliſh as the cauſe of the national debt, he had in that light given it as the principle, if not of a foreign invaſion, at leaſt of an inteſtine revolution, which, in the very boſom of peace, might ariſe from the neceſſity of paying the arrears of the public debt; of continuing the taxes, and even of increaſing them, if they were deſirous of ſinking any part of the capital, from the neceſſity, in fine, of extending theſe taxes to that part of the ſubjects of the Britiſh crown, whom in prudence it ſhould treat as the Romans did the provinces allied to their commonwealth: *apud Romanos jus valet imperii, cætera tranſmittuntur.*

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* *Nervos eſſe reipublicæ ſemper duximus.* "We always conſidered them as the nerves of the commonwealth." Cic. pro Leg. Maniliâ.

† Εἰστήκει λᾶας πρυμνὸς, παχὺς αυτὰρ ὕπερθεν
Οξυς ἔην· δ' ȣ κιδ' ἀνέρε δήμȣ ἀριστῶ
Ρηιδίως ἐκ ἄμαξαν ἀπ' ȣ̈δεος ὀχλισειαν,
Οἷοι νῦν βροτοί εις ὁ δὲ μιν ῥέα πάλλε καὶ οἶος
Τὸν οἱ ἐλαφρὸν ἔθηκε κρόνȣ παῖς ἀγκυλομήτεω
Ος δ' ὅτε ποιμὴν ῥεῖα φέρει πόκον ἄρσενος οἶος. Iliad, l. xii. v. 446.

Whatever may be the conſequence of the increaſe of the national debt, it is what the Engliſh muſt expect under the preſent government; it was the ſureſt and beſt means by which a prince, reigning upon a precarious title, could bind the nation to his perſon and his family: he thereby acquired ſure pledges of the fidelity of his new ſubjects. "A new government eſtabliſhed contrary to the ancient principles, and to the preſent engagements of many, could not, ſays lord Bolingbroke in his Reflexions upon the Engliſh Government, be ſolidly and effectually eſtabliſhed, except by inducing private perſons to engage in its preſervation, ſo as to lend their money to the public upon the ſecurity of the new eſtabliſhment."

I ſhall not enlarge any farther upon this important ſubject: it is ſufficient for me to have thrown out ſome hints which may be a farther illuſtration of what has been ſaid concerning the national debt, by thoſe Frenchmen who have given us the elements of commerce,

merce; the cauſes and progreſs of the debts of England, the abuſe of national credit, &c.

The Engliſh houſe of commons has nothing ſtriking either in the place of meeting, or in the manner of its ſitting.

The place of meeting reſembles an ancient chapel; it is of an oblong form, built in the ſame taſte, and with the ſame proportions as the church of St. Yves, in St. James's-ſtreet at Paris. At the farther end of the ſaloon, there is a large glaſs caſement, which, as in all buildings of this ſort, lets in too great a glare ſo as to dazzle the eyes of the aſſembly, their faces being turned towards the ſpeaker's chair juſt under the caſement. The majeſty of the people of England but ill diſplays itſelf in this place, though it be its reſidence, its ſeat, its throne; yet to thoſe who have ſeen the ſpacious ſaloon where the ſenates of Venice and Genoa hold their aſſemblies, it has no better appearance than a ruſtic grotto.

The ſpeaker's chair is only of deal, like the chairs intended for the ſenators, in the hall of the great council, or pregadi, of Venice.

The ſpeaker ſits there as long as the houſe does buſineſs; this is ſhewn by a great mace of ſilver gilt, ſurmounted with a crown, and placed upon a table before the ſpeaker, when the commons enter upon any debate. If they happen to form a committee, the mace is taken up by the ſerjeant at arms, and hung upon a hook, where it continues till the houſe proceeds again to buſineſs. Every half hour, or every quarter, the mace is removed out of its place. The ſpeaker changes his ſeat likewiſe; he keeps his chair only whilſt the houſe is upon buſineſs; if it forms a committee, he quits the chair, and ſits down upon the next bench.

I have already obſerved in the article Declamation, that the meetings of this houſe are very noiſy and tumultuous. Every member talks to the perſon next him, and ſeems ſcarce to give any attention to what is ſaid at the bar, except when the friends of the queſtion command ſilence and attention by crying Aye, aye. In the midſt of this continued noiſe, the ſpeaker proclaims with a loud voice the ſubject of debate, and his voice reſounds through the room: it iſſues from a body of the largeſt ſize, wrapt up in a black gown, and a wig of an enormous magnitude: I am very much miſtaken if this ſpeaker is not the ſame perſon who in the print which I have mentioned in the preceding volume *, is repreſented in profile next to the lord chief juſtice reading with ſpectacles.

Whilſt the ſpeaker keeps the chair, he receives a low bow from all thoſe that enter by the principal door, oppoſite to which he is ſeated. He returns the civility to each perſon by taking off a broad brim hat, without interrupting his buſineſs whether he is writing or reading.

Mr. Onſlow, after having held this important place for thirty years together, reſigned it in 1761, and was gratified with a penſion of 3000l. a year. The perſon who fills this poſt is nominated by the houſe of commons, and the king muſt approve the choice. The ſpeaker has a coach enriched with paintings and gilded figures: the ſeat behind this carriage is decorated with a ſort of trophies, which, like the paintings upon the body of it, are emblematical of the majeſty of the people of England, repreſented by the ſpeaker of the houſe of commons.

This majeſty diſcovers itſelf chiefly in the manner in which meſſages are brought to the houſe from the

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* This print, deſigned and engraved by Hogarth, is dated 1758.

king, being delivered by two maſters in chancery, or, in matters of great importance, by two of the judges. As ſoon as they have announced their coming, to the commons, the ſerjeant at arms goes to take up the mace from off the table, and advances to the door, which immediately flies open. There the king's meſſengers make two low bows, which they repeat in the middle of the room. When they come to the table, they make bows ſtill more profound, and deliver their meſſage by laying a paper upon the table. Then they retire with their faces ſtill towards the ſpeaker, accompanied by the ſerjeant at arms, with the ſame ceremony of the bows and the mace.

This ceremony, of which I was an eye-witneſs, when the king ſent the regency bill to the houſe of commons, ſeemed ſcarce to attract the leaſt attention from the houſe, which did not ſo much as honour it with its ſilence, all the members continuing to talk, and with their hats on.

The five hundred and fifty-eight repreſentatives who form the houſe, are not obliged to appear in the ſame dreſs. Each of them wears whatever cloaths and whatever ſort of a wig he thinks proper. Some who appeared in every reſpect like French petit maitres, drew my attention; and I was given to underſtand that their dreſs was the livery of the court and its party, called by thoſe in the oppoſition the *party of corruption.* It was ſo even in the time of Addiſon, who, in his Spectator, repreſents this habit, together with an eaſy addreſs and ſmiling countenance, as the characteriſtical mark of that ſoft luxurious turn of mind, to which the court owes its numerous adherents.

By the rule of contraries a different air diſcovers republican ſouls; ſo that the court may ſay with Cæſar, I do not diſtruſt thoſe ſmooth, ſleek men, who have their hair ſo well dreſſed and are in ſuch good caſe; but rather thoſe uncouth fellows, who neglect their outward appearance †. I was ſtruck with one of theſe republican ſouls, lodged in a fat, ſhort carcaſe, covered with an old claret-coloured coat, of ſtuff of the common ſort, who wore his own hair, of a dark colour, cut round, without any powder, and reſted his chin upon the head of a large cane. I have often ſeen a man thus ſimply dreſt, harangue with hands as black as thoſe of a hatter. He ſpoke in oppoſition to Mr. George Grenville, firſt lord of the treaſury, who was there in perſon, debating with all that patience which in England is the chief virtue of a miniſter.

All the members of the houſe of commons are not orators by profeſſion: the buſineſs of ſpeaking is left to a few party leaders, who generally keep poſſeſſion of the bar: the common run of members ſpeak only occaſionally, like the Quakers, that is to ſay, when the ſpirit moves, or they think it moves them: in other reſpects the moſt ſilent have by their votes the ſame weight as the moſt eloquent in the reſolutions of the houſe. I was ſhewn one of theſe ſilent members, who during twenty years had never uttered a ſingle ſentence in the houſe. He one day however advanced towards the bar, and all the members liſtening to him with the utmoſt attention, he repreſented to them, That one of the panes of the window under which he ſat had been broken three days before; and that he was in danger of catching cold, if the houſe did not immediately take the thing into ſerious conſideration.

The ſons of noblemen, even of the firſt order, ſit only in the houſe of commons, where they find themſelves confounded with the repreſentatives of the people. From this mixture of the people with the chief perſonages of the nation and the king's miniſters; from the right which every Engliſhman has to elect and be elected, to riſe even to the dignity of peerage either by diſtinguiſhed ſervices, or by court intereſt; from the excluſive privilege of weighing, diſcuſſing, and deciding the deareſt intereſts of the nation; from all theſe, I ſay, ariſes that national pride ſo conſpicuous in the behaviour, the writings, and the ſchemes of the Engliſh. This pride is common to all nations: the French in general, the Pariſians, and even the very Gaſcons conſider themſelves as the favourite ſons of nature; and fondly imagining that no other age or country is able to produce their equals, they only laugh at thoſe who would ſeem to doubt of their ſuperiority. The Engliſh, leſs tractable, appeal to the houſe of commons, from every judgment which would dare to call their ſuperiority in queſtion.

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† Plut. d'Amyot, Life of Julius Cæſar.

APPENDIX.

NUMBER I.

THE account given by our author, in the firſt volume, p. 51, of the riot in Drury-lane playhouſe, as it ſtands in the original, gave great and juſt offence to Mr. Garrick, and alſo occaſioned an article in the Journal Encyclopedique, in which M. Groſley was called upon to retract his error. He had indeed received a wrong account of that tranſaction. The miſtake has been rectified in the tranſlation; but as the author has publiſhed a recantation of his error, in the Journal Encyclopedique, a recantation which does great honour to our inimitable Roſcius, as well as to M. Groſley, it has been thought proper to give the letter at full length, for the ſatisfaction of the curious reader.

JOURNAL ENCYCLOP. Oct. 1770.

Gentlemen, Troyes, October 6, 1770.

I would myſelf have been Mr. Garrick's champion againſt any man who ſhould dare to charge him with an action derogatory to his honour: my ſentiments with reſpect to him are known to you by the warmth with which I have ſpoken of the monuments that he has erected to Shakeſpeare, by the particular account which I from thence took occaſion to give of his perſonal qualities, and finally by my regret for not having ſeen him upon the ſtage, and not having been able to join my applauſes to thoſe which are beſtowed upon him by a nation that loves as much as it eſteems him.

Since ſuch are my ſentiments with reſpect to him, I acknowledge myſelf blameable for having, upon a falſe information, imputed an action to him that impeaches his honour, which he ſhould be the more jealous of, as his rank in England can be compared only to that of thoſe perſons who at Athens at once acted the firſt parts upon the ſtage, in the ſenate, and in the moſt important embaſſies ‡. I ſaid that after an outrageous riot at Drury-lane play-houſe it was inſiſted that he ſhould aſk pardon upon his knees, and that he had done ſo.

I was ſenſible of the violence, not to ſay the cruelty, of ſuch a procedure; I ſhould have been aware of the impoſſibility of the fact as well as of its inconſiſtency with Mr. Garrick's eminence and figure in life, and have rejected the teſtimony upon which I related it. But it was an additional circumſtance to thoſe motives of patience and reſolution which I ſtood in need of to enable me to ſupport the abuſe, the grimaces, and the menacing geſtures which I had every day to bear from the populace of London: collecting therefore all the examples which I had related of the inſolence of that rabble, and adding to theſe that ſhewn to Mr. Ga[illegible], "if, ſaid I, this rabble is poſſeſſed of a privilege to behave in ſuch a manner to its king, to a perſon of marſhal Saxe's quality, to ſuch a man as M. de la Condamine, and even to Mr. Garrick, I ſhould thank Heaven that it has been ſo favourable to me."

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‡ Thucydides and Plutarch.

I cannot at preſent have the leaſt doubt of the error I committed in adopting a report, the falſehood whereof inſinuated in the anonymous letter, which you have joined to your extract from London, is confirmed in the moſt authentic manner by letters from England, and by a letter with which Mr. Garrick himſelf has lately honoured me, dated the 24th of laſt September.

He therein expreſſes his ſurpriſe at that article; and then gives a circumſtantial account of the facts, which he reduces, with regard to himſelf, to his having retired as ſoon as ever the riot had interrupted the play, and having left the field to the aſſailants. He adds, that the diſcontinuing to take any thing ſhort of the full price, which had cauſed the diſturbance, was not intended to be erected into a general law for the future, but merely to indemnify the proprietors and managers, who had revived an old play with additions and very expenſive decorations: that the ſupporters of the ſcutcheon belonging to the king's box were not thrown upon the ſtage till after the curtain was dropt: and that the diſturbance at the theatre in the Hay-market, which I give an account of under the ſame article, was cauſed not by an Italian, but by a perſon of the firſt rank, who took a pleaſure in ſuch jokes, and had carried that as far as a joke could be carried.

Theſe errors and others which I may probably have committed, either through wrong information given me by the Engliſh gentlemen of whom I enquired, or who might be miſunderſtood by me, will be correcſted by the obſervations which I expect from Dr. Nugent. Whilſt I returned thanks to this learned perſon for the honour he did my *Swediſh Gentlemen* in publiſhing an Engliſh tranſlation of their Travels through Italy *, which, I have been aſſured, is done in the moſt maſterly manner, I requeſted him to ſubmit my Obſervations on England to the examination of a ſociety, compoſed of himſelf and his friends, which ſhould take cogniſance of the errors that may have crept into my work, either from wrong information, or miſunderſtanding, and not through the motive aſcribed to me by the anonymous letter of leaving ſucceeding writers nothing farther to ſay with regard to England. To imagine that an author whoſe work is confined to three little volumes, ſhould have conceived a thought ſo extravagant is *homines ex ſtultis inſanos facere.* Terent.

The uſe which I propoſe to make of Dr. Nugent's obſervations, and of all thoſe which ſhall be communicated to me, with a friendly intention, will make Mr. Garrick the reparation which I owe him; I would even go ſo far as to aſk his pardon upon my knees, if ſuch an action would not bear too ſtrong a reſemblance to one of the moſt noted ſcenes upon our French ſtage, a ſcene which it would neither become Mr. Garrick nor myſelf to act in.

The manner in which M. de la Condamine has behaved to me with regard to the anſwer to the letter, which you have likewiſe joined to the extract from the Obſervations on England, aſſures me of the favourable reception which this explanation will meet with from Mr. Garrick. With reſpect to this affair between M. de la Condamine, whom I had not the honour of being acquainted with, and myſelf, I may ſay with Cherea in Terence:

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* Mr. Groſley's New Obſervations on Italy and its Inhabitants, by Two Swediſh Gentlemen, were publiſhed in London, 1769. Two Vols. 8vo.

Sæpè ex iſtiuſmodi re qûâpiam &
Ex malo principio, magna familiaritas
Conflata eſt.

A P P E N D I X.

NUMBER II.

THE act of navigation, mentioned pag. 54, of this volume, is of ſuch importance, that I thought it incumbent upon me to give a copy of it, ſuch as the Abbé Du Bos has inſerted at the ſequel of the intereſts of England, retrenching the tautologies peculiar to the Engliſh acts of parliament. This act comprehends ſeveral laws made by Cromwell for the encouragement of navigation. Charles II. whilſt he ſuppreſſed the laws of the uſurper, had the prudence to retain ſuch as tended to the welfare of the ſtate, giving them the ſanction of his name. In this reſpect he acted in the ſame manner as the French legiſlature had done with regard to the council of Trent: without admitting the council, they ordered ſuch deciſions of that aſſembly as they judged moſt ſuited to the ſituation and the neceſſities of the kingdom, to be inſerted amongſt the ordonnances of Blois.

A C T I.

For Encouraging and Promoting MARITIME AFFAIRS and NAVIGATION, paſſed in Parliament on Thurſday September, 23, 1660.

IT being the will of the Lord, out of his particular kindneſs to England, that its wealth, ſecurity, and ſtrength, ſhould conſiſt in its navy, the king, the lords, and the commons aſſembled in parliament, have ordained that, for the promotion of maritime affairs and navigation, the following regulations ſhould be obſerved throughout the kingdom:

Beginning from the 1ſt of December 1660, no merchandiſe or commodities ſhall be imported or exported in all the colonies belonging to or which ſhall belong to his majeſty, or to his ſucceſſors in Aſia, Africa, and America, except in veſſels built in countries ſubject to the Engliſh government, or which ſhall really and truly belong to his majeſty's ſubjects, and in both ſorts the captain and at leaſt three fourths of the ſailors ſhall be Engliſh. Thoſe who act otherwiſe ſhall be puniſhed by the ſeizure and confiſcation of their veſſels and merchandiſe, one third of which ſhall be forfeited to the king, another to the governor of the colony where the ſeizure is made, and another to the judges and informers. All admirals and officers who have his majeſty's commiſſion, are empowered to ſeize the veſſels which act contrary to theſe orders wherever they meet them, and the ſaid veſſels ſhall be looked upon as prizes taken from the enemy, and ſhall be ſhared as ſuch. One moiety of what they are worth ſhall go to the king, and the other moiety ſhall be divided between the captain and the crew belonging to the veſſel which ſhall make the ſeizure.

Be it farther enacted, that no perſon born out of his majeſty's dominions and who is not naturalized, ſhall be able to carry on, after the 1ſt of February, 1661, any commerce either for himſelf or others in the ſaid colonies, under the penalties hereafter mentioned. The governors of the ſaid colonies ſhall be obliged from henceforward to make affidavit publickly, to cauſe the laws herein mentioned to be put in force, and they ſhall be deprived of their places whenever it is proved that they have any way neglected cauſing them to be obſerved.

It is farther enacted that no commodities of Aſiatic or American growth can be imported into any countries or lands ſubject to his majeſty, except in ſuch veſſels as have been above ſpecified upon penalty of ſeizure and confiſcation to thoſe who diſobey.

It is farther enacted, that the goods and commodities of Europe ſhall not be imported into England in any other veſſels but thoſe which ſail from the ports of countries of which thoſe commodities are the manufactures and product, under the penalties above ſpecified.

It is likewiſe farther enacted, that fiſh of all ſorts, and even the oils and bones of whales which have not been fiſhed for by Engliſh ſhips, and which are imported into England, ſhall pay double duty at the king's cuſtom-houſe.

All veſſels are moreover forbidden but ſuch as are Engliſh and conform to the rules above laid down, to take in a cargo of any ſort in any port, either of England or Ireland to carry it to any other part of his majeſty's dominions, the trade which is called trade from port to port, being free only to Engliſh veſſels, and that under the ſame penalties of ſeizure and confiſcation.

It is farther enacted, that all veſſels which ſhall enjoy all abatements made, or hereafter to be made, upon cuſtom-houſe duties, ſhall be veſſels built in England, or thoſe which being built abroad are the property of Engliſhmen, both the one and the other having at leaſt the captain and three fourths of the ſailors Engliſh. If it ſhould happen that at the arrival of certain veſſels the foreign ſailors ſhould be above one fourth of the crew, it muſt be proved that diſeaſes or the enemy have occaſioned this alteration, and that by the affidavit of the captain and of the chief officers on board the veſſel.

It is farther enacted, that no goods or commodities of the growth or manufacture of Muſcovy, nor maſts or other wood, foreign ſalt, pitch, tar, roſin, hemp, cotton, raiſins, figs, prunes, olive oils, all ſorts of corn and grain, ſugar, aſhes for making ſoap, wines, vinegars, brandies, ſhall not, after the ſixth of April, be imported into England, except in the veſſels above ſpecified. This is likewiſe enacted with regard to Corinth raiſins and other commodities belonging to the dominions of the grand ſignor, after the 11th of September 1661. We except only ſuch foreign veſſels as are built in countries and places of which theſe commodities are the product, and where ſuch merchandiſe is manufactured, or where it is cuſtomary to ſhip it, but ſtill upon condition that the maſter and three fourths of the ſailors ſhall be natives of the country from whence the veſſel comes, otherwiſe it ſhall be ſubject to ſeizure and confiſcation.

It is farther enacted, that to prevent the falſe declarations made by the Engliſh when they affirm goods belonging to foreigners to be their property, all the French and German wines which ſhall be imported into the dominions of his majeſty after the 30th of October 1660, in any other but Engliſh veſſels, as ſpecified above, ſhall pay the king's duties, and thoſe of the towns and ports where ſuch wines ſhall be imported as commodities belonging to foreigners, and all the woods, foreign ſalts, pitch, tar, roſin, hemp, linens, Spaniſh and Port wines and other commodities, ſpecified above, which ſhall be imported into England after the 10th of April 1661, 1661, in any but Engliſh ſhips, the Corinth raiſins and other commodities of the growth and manufacture of the dominions of the grand ſignor, after the 10th of September 1661, ſhall be conſidered as belonging to foreigners, and ſhall pay duty as ſuch.

And to prevent all thoſe frauds which might be made uſe of in purchaſing and diſguiſing foreign ſhips, it is enacted, that after the 10th of April 1661, no foreign built veſſel ſhall be conſidered as Engliſh, nor ſhall enjoy the privileges granted to ſuch, till ſuch times as the proprietors of ſaid veſſels have made it appear to the cuſtom-houſe officers, that the ſaid veſſels are theirs in fact, at the ſame time telling the ſum of money they paid for them, who they bought them of, as likewiſe the time and place where the purchaſe was made, who are their owners if they have any; which owners ſhall be obliged to appear before the director of the cuſtom houſe, and all of them ſhall, at the ſame time, make affidavit that foreigners have no part nor ſhare with them either directly or indirectly; after which the cuſtom-houſe officer ſhall give them a certificate, by means of which ſaid veſſels ſhall be reputed Engliſh built. There ſhall be made a duplicate of ſaid certificates, and ſuch of ſaid directors as ſhall be in England ſhall ſend the duplicate to London, and thoſe who are in Ireland to Dublin, that they may there be well and faithfully regiſtered: all ſuch officers as ſhall act contrary to the above regulations after the 10th of April 1661, ſhall loſe their places and their governments, as likewiſe thoſe who ſhall ſuffer foreign veſſels to carry on illicit trade.

Engliſh veſſels as above ſpecified, ſhall, notwithſtanding, be allowed to import into all his majeſty's dominions the commodities and merchandiſe of the Levant, though they have not loaded their veſſels with them in the places where they grow or are manufactured, when the ſaid veſſels ſhall have taken them on board in any other part of the Mediterranean beyond the ſtreights of Gibraltar.

The ſame indulgence is likewiſe granted with regard to the goods and commodities of the Eaſt-Indies which have been taken on board in a port ſituated beyond the Cape of Good Hope.

The ſaid veſſels ſhall likewiſe be permitted to load themſelves in Spain with merchandiſe from the Canary Iſlands and other Spaniſh colonies, and in Portugal with thoſe of the Azores and other colonies of Portugal.

The preſent act ſhall not extend to goods or commodities which ſhall appear to have been taken from the enemies of England without either colluſion or fraud, by Engliſh ſhips as ſpecified above, and which are commiſſioned by his majeſty or his ſucceſſors.

Neither ſhall ſaid act extend to veſſels built in Scotland, three fourths of the crew of which ſhall be Scotch, which ſhall import into England fiſh of their own fiſhing, corn or Scotch ſalt, and the ſaid merchandiſe ſhall not pay the cuſtom-houſe duties as being the property of foreigners. The oil called Ruſſian oil which ſhall be imported from Scotland by Engliſh veſſels, as above ſpecified, ſhall enjoy the ſame advantages.

It is farther enacted, that every French veſſel which ſhall, after the 20th of October 1660, touch at any part of England or Ireland whatever, to take on board or to ſet on ſhore paſſengers or merchandiſe, ſhall pay to the king's receivers five ſhillings per ton, and the freight of the ſaid veſſel ſhall be eſtimated by the king's officer. The ſaid French veſſels ſhall not come out of the port or harbour till they have payed the ſaid duty, which ſhall continue as long as the impoſt of fifty ſols per ton ſhall be levied in France upon the ſhips belonging to his majeſty's ſubjects, and even three months after its ſuppreſſion.

It is farther enacted, that after the 1ſt of April 1661, ſugars, tobacco and all other commodities which are the products of our colonies, ſhall not be imported into Europe, except in places ſubject to his majeſty, where the ſaid commodities ſhall be landed under the penalty of ſeizure and confiſcation. Such veſſels as ſhall ſet out from his majeſty's ports in Europe, for the colonies in Aſia, Africa, and America, ſhall be obliged to give a thouſand pounds ſterling ſecurity at the place from which they ſet ſail, if they do not exceed a hundred tuns; and of two thouſand pounds ſterling if the veſſel is of a more conſiderable burthen; that they will carry their cargoes to one of the ports of his majeſty's dominions. The ſaid veſſels when they ſet ſail from the colonies of Europe, ſhall be obliged to make a declaration containing the quality and quantity of their cargoe before the governor, as likewiſe to unload in England; and the governors, after the 1ſt of January 1661, ſhall be obliged to ſend copies of theſe declarations to the commiſſioners of the cuſtom-houſe of London. The ſaid governors ſhall not be able to employ any veſſel till it has proved itſelf to be Engliſh and conformed to the regulations, as likewiſe till it has produced its certificates made out by his majeſty's officers.

A P P E N D I X.

NUMBER III.

Reſearches relative to the Claims of the Ancient Metropoliſes upon their Colonies, to ſerve as a Supplement to what has been ſaid upon the Subject in the firſt Volume, p. 132.

UPON this important ſubject conſult Bodin's Method of Studying Hiſtory, p. 580, and Mr. Bougainville's Diſſertation, to which the prize was adjudged by the Royal Academy of Inſcriptions and Belles Lettres, in the year 1745.

The following facts eſcaped the inquiries of theſe two writers.

Phœnices——Hipponem, Adrumetum, Leptin, Carthaginem, &c. in orâ Africæ condidêre; eæque brevi multum crevêre. Pars originibus ſuis præſidio, aliæ decori fuere *.

"The Phœnicians built Hippo, Adrumetum, Leptis, Carthage, &c. upon the coaſt of Africa; and theſe in a ſhort time became great cities. Some of them were a defence to thoſe to whom they owed their origin, others were an honour to them."

The Lacedæmonians exacted no contributions from their allies. They contented themſelves with eſtabliſhing in the cities of the Dorian league an oligarchy, as that form of government had a greater connexion with their adminiſtration than a democracy: but the Athenians having ſeized upon the ſhips of their allies, excepting thoſe of Chios and Leſbos, compelled them all to contribute.

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* Salluſt. Bell. Jugurth.

The deſigns of the Corinthians upon Epidamnus, were the firſt ſparks that kindled the Peloponneſian war. That town, which was a colony from Corcyra, had been founded by Phalius of Corinth, who was by the Corcyreans excited to quit their metropolis: he had led to this colony not only the Corcyreans but likewiſe Corinthians and a great number of Dorians *.

The deputies of Corcyra ſolliciting at Athens the aſſiſtance of the republic in favour of Epidamnus, and againſt the Corinthians, ſaid to the people: "The Corinthians will object that it is not juſt to undertake the defence of a colony againſt its metropolis; but a colony is no longer bound to pay any duty to its metropolis, than whilſt it behaves to it as a mother, and not as a ſtep-mother: it did not quit its native country to be its ſlave, but to ſhare as its partner all its rights and privileges †."

The Lacedæmonians being tired of the ſupreme command, on account of the intrigues of Pauſanias, it fell to the Athenians, who exacted from the Greeks money and veſſels, upon pretext of carrying on war againſt the Perſians. They appointed receivers, and the firſt levy produced 460 Attic talents, which were depoſited at Delos ‡.

Several iſlands being ſoon tired of theſe contributions rigorouſly exacted, refuſed to pay: Cymon the ſon of Militiades compelled them to pay by force of arms. The reſt intimidated, by theſe examples, fur-

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* Thucydides, l. 1. n. [illegible].

† Οὐ γὰρ ἐπὶ τῷ δοῦλοι, ἀ[illegible] εἶναι ἐκπέμπονται.
"For they are not ſent away to be ſlaves, but to be equals."

‡ Ibid. n. 5.

furniſhed the contributions, and with money bought themſelves off from contributing veſſels *.

Pericles afterwards diſpoſed like a ſovereign of the depoſit of Delos †. Greece and even the Athenian colonies ſhook off the yoke of that republic, and joined with the Lacedæmonians ‡.

Ten thouſand Greeks, who had followed Xenophon to the aſſiſtance of young Cyrus, having returned in a march of 122 days from the heart of Perſia to the ſhores of the Euxine ſea, found at Trebiſonde, a Greek colony, all the kind treatment which they could expect from countrymen. They had not the ſame reaſon to be pleaſed with the inhabitants of Cotyore, under the walls of which town they paſſed forty-five days: after having ſeized upon the gates of that city, they forcibly took lodgings for their ſick. The governor of the city at that time was a magiſtrate of Synope, the metropolis which had peopled Cotyore, Ceraſus, and Trebiſonde. In the complaints made by a deputy of Synope to Xenophon upon the behaviour of his troops at Cotyore, he gives him to underſtand that thoſe three cities payed certain dues to their metropolis, not in quality of colonies but on account of the territories which Synope had conquered from the barbarians, and which it afterwards gave up to them §.

Δασμὸς, the word made uſe of in this paſſage by Xenophon, and ſince uſed in the ſame ſenſe by De-

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* Ibid. [illegible]

† Ibid. l. [illegible] n. 24.

‡ See the Panegyrick and the Panathenaic of Iſocrates.

§ Κοτυ[illegible] γὰρ ὗτοι εἰσὶ μὲν ἡμέτεροι ἄποικοι καὶ τὴν χώραν ἡμεῖς αὐτοῖς ταύτην παραδεδώκαμ[illegible]βαρβάρους ἀφελόμενοι; διὸ καὶ δασμὸν ἡμῖν φέρυσιν ὗτοι τεταγμένον καὶ κερασύντιοι καὶ Τρ[illegible]ντος.

For thoſe Cotyorans are a colony of ours, and we ourſelves gave them that ground, taking it from the barbarians: for this reaſon likewiſe they are ſaid to be obliged to pay us a tax.

Retreat of the Ten thouſand, by Xenophon.

moſthenes and Iſocrates, ſignifies properly diſtribution, and, by an extenſion of its ſignification, tax, either real or perſonal.

In Dionyſius of Halicarnaſſus, who aſcribes a Greek origin both to the Romans and Latins, Servius Tullius declines giving the metropoliſes an abſolute power over the colonies*: Τὸ γὰρ ἄρκειν ἐκ πάντος τῶν ἁπάντων τὰς Μητροπολεις, ὡς ἀναγκαῖον τί φύσεος νόμιμον, ἔτε ἀληθες, οὔτε δίκαιον. For that the mother cities ſhould have a deſpotic power over all the inhabitants of their colonies, ſhould be inculcated as a law of nature, is neither reaſonable nor juſt †.

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[*] See the whole diſcourſe, & Strabo, l. 5.

[†] Grotius, l. ii. c. 9. *Quomodo imperia vel dominia deſinant*, "Of the Manner in which Empires or Kingdoms end," compares the ſtate of colonies to that of the parts of an empire at variance, or in concord merely by the force of arms: *Novus populus ſui juris naſcitur*, "a new people which is its own maſter ſprings up."

Cæcina was the firſt Roman colony under Romulus. Tacitus ſpeaking of the Roman colonies in the life of Agricola ſays: *apud imperitos illud humanitas vocabatur, cum pars ſervitutis eſſet.* "This was called politeneſs and humanity by the ignorant, tho' it was in fact a ſpecies of ſervitude."

APPEN-

APPENDIX.

NUMBER IV.

THE article of the Moravians, in the firſt volume, requires a farther explanation; the gentleman, whom the author mentions as his conductor, has favoured the tranſlator with the following remarks, in order to rectify ſome miſtaken notions concerning the religious principles of thoſe people, which the author, he ſays, muſt have picked up from books or from prejudiced perſons, and not from his conductor.

The houſe which Mr. H. ſhewed to our author, is called Lindſey-houſe, being built upon a ſpot of ground which formerly belonged to the Ancaſter family. It was not choſen nor built by count Zinzendorf, neither was it intended as a houſe of probation or a noviciate for the Moravian brethren, but as a lodging-houſe to accommodate the foreign nobility and gentry of their perſuaſion, who from time to time might think proper to pay a viſit to England. Mr. H. denies that count Zinzendorf was the founder of their ſect; it had been founded many ages before by the Vaudois, and the Moravians. A conſiderable number of the Moravian refugees having taken ſhelter on the count's eſtate in Luſatia, built the village of Hernhuth, where they enjoyed their primitive diſcipline, and were afterwards joined by ſeveral others, who approved of their manner of living. To return to Lindſey-houſe, the pictures on the ſtair-caſe are all relative to the hiſtory of theſe people. The negro in a white ſhirt is a catechumen, or a candidate for baptiſm, according to the ceremonies of the primitive church. The perſon preaching to the ſlaves, was an honeſt man, who went over to Algiers as a miſſionary, and there died of the plague. There is no alluſion to a miracle in any of the pictures: the man caſt upon the rock is ſaved by means of a boat ſent to his aſſiſtance from a ſhip, which appears at ſome diſtance: with regard to the religious principles of theſe people, they have no particular notions concerning the Old Teſtament, but are in the ſame way of thinking upon this article as the Proteſtants of the confeſſion of Augſburg. Neither have they any particular doctrine about marriages, different from that of other Chriſtians. Nor do they boaſt of any raptures, or extraordinary communications with God. They live not in common, nor are their profits and gains thrown into the common ſtock. The young girls do not work in common in Holland.

James le Long was a Dutchman; he was never a director or chief of any Moravian ſettlement, and he lived all his life at Amſterdam. The converſation between count Zinzendorff and lord Cheſterfield, is diſcredited by Mr. H. who believes that the count never was at Plymouth, and is very poſitive he neither ſwore by his God, nor pretended ever to any miracle. He therefore laughs at a ſtory which is told of a crab bringing to one of the Moravian miſſionaries his New Teſtament which had dropped into the ſea. This is the idle ſtory, he ſays, of Francis Xaverius, falſely charged to this ſect. The Moravians have embraced the confeſſion of Augſburg; they have no adepts, nor do they make any myſtery of their principles, even to the common people. Nobody is expelled their ſociety for not paying a blind ſubmiſſion to their orders, much leſs to their ſigns. There never was a ſociety in which greater regard is paid to liberty in innocent matters, and where conſcience can more freely aſſert its rights. Good order and regularity reign in their aſſemblies. This is what Mr. H. ſays in defence of his brethren; and here the reader having heard *alteram partem*, may decide as he thinks proper. I ſhould be inclined, however, to give credit to the declarations of any ſociety of men, concerning their religious principles, in preference to common report. Thoſe who are verſed in church-hiſtory, muſt be ſenſible of the ſtrange and abſurd notions which the Pagans entertained of the religious ceremonies of the primitive Chriſtians, whom they charged with the ſacrifice of infants, and with all manner of lewdneſs and debauchery at their nocturnal aſſemblies.

APPENDIX.

NUMBER V.

Tranſlation of a Letter from the Author to the Tranſlator.

SIR, Troyes, Aug. 1, 1770.

MY bookſeller at Paris has juſt ſent me the tranſlation you have done me the honour to make of my Obſervations on Italy and its Inhabitants. I want words to expreſs my gratitude for the many obliging things you have been ſo kind as to ſay of me in your Preface. If I am not like the picture, I muſt endeavour to make myſelf ſo.

Perhaps you have already received the account I have juſt publiſhed of my tour to London; I ſhould think myſelf exceedingly happy were the Engliſh to give it the ſame reception the Italians have done to my account of their country. I muſt depend on you, Sir, to uſher it into the world in an Engliſh dreſs. The trouble you have been at to do my firſt work that honour, gives you an undoubted right over the ſecond.

In conformity to my own taſte, I have, in this laſt work, preferred the ſtyle and manner of Addiſon to that which has been introduced and now univerſally prevails amongſt us in France. The pretty frequent citations I have allowed myſelf, have a Gothic air here; but they may, perhaps, be looked upon with another eye in England.

APPENDIX.

A copy of my work, bound in Morocco, I have deſired my bookſeller to ſend to London, in order to be preſented to the Royal Society, who have done me the honour to elect me one of their members. It is but a ſlight teſtimony of my gratitude, for my gratitude itſelf does not, I aſſure you, fall ſhort of the favour.

I ſhould be very much obliged to you, Sir, if you would be ſo kind as to throw an eye over my performance; and give me notice of the errors you may find in it, from my intelligence having been ſometimes falſe, or my not having always comprehended it, when true.

To conclude, Sir, I muſt beg the favour of you to thank your polite and learned Society of Antiquaries for their kindneſs in admitting me, during three or four of their meetings, to a ſight of the antiquities of Athens and Sparta. I frequently think of thoſe beautiful pieces with equal ſentiments of gratitude for thoſe gentlemen who had the courage to go and dig them up on the ſpot; and thoſe who, with ſo much goodneſs, procured me the pleaſure of examining them.

I have the honour of being, with the moſt reſpectful attachment,

SIR,

Your moſt humble and

obedient ſervant,

GROSLEY.

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